

taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

#### Geographic Area To Be Considered

For the purposes of this EIS, NMFS intends to analyze the effects on the human environment of issuing authorizations for the incidental take of marine mammals from activities occurring in both the state and Federal waters of Cook Inlet, AK, from Knik Arm in the northern part of the Inlet to the southern edge of Kachemak Bay on the southeastern part of the Inlet and to the southern edge of Cape Douglas on the southwestern part of the Inlet.

#### Objectives of the EIS

NMFS prepares environmental analyses under the National Environmental Policy Act (NEPA) to support the issuance of ITAs for specific activities under sections 101(a)(5)(A) and (D) of the MMPA. This programmatic EIS will analyze the potential effects on the human environment of issuing MMPA ITAs for various anthropogenic activities in Cook Inlet. An EIS that analyzes multiple activities over multiple years will provide a comprehensive decision-support tool for NMFS, allowing us to address cumulative effects over a longer time frame, consider a wider range of reasonable alternatives consistent with our statutory mandates, and analyze a wider range of practicable mitigation and monitoring measures for protecting marine mammals and the availability of marine mammals for subsistence uses.

Anthropogenic activities are prevalent in Cook Inlet, and there are indications that the level of activities may increase in the coming years. Additionally, NMFS continues to be concerned about the lack of recovery of the small resident population of Cook Inlet beluga whales, which is both depleted under the MMPA and listed as endangered under the Endangered Species Act (ESA). Preparation of an EIS, which will allow for a more comprehensive analysis of alternatives and mitigation and monitoring measures, will not only achieve greater administrative efficiency

for NMFS' ITA program but will increase NMFS' options and flexibility for processing MMPA ITA requests in the region while ensuring compliance with MMPA, ESA, and NEPA mandates. NMFS has determined that the preparation of such an EIS will provide the best decision support tool for processing MMPA ITA requests in Cook Inlet.

#### Types of Information Requested

NMFS invites the participation of Federal agencies, State of Alaska, local, and tribal government entities, Native American and Native Alaskan organizations, environmental and fish and wildlife organizations, the oil and gas industry, non-energy industries, other interested organizations and entities, and the general public, for use in the preparation of this EIS. To help us determine the scope and the significant issues to be analyzed in depth in the EIS, NMFS is seeking a wide array of information about: (1) The ecological, social, and economic environments and values in Cook Inlet, Alaska; (2) the potential impact of various types of human activities in Cook Inlet (e.g., oil and gas exploration and development, construction, port redevelopment projects, etc.) on the marine, coastal and human environments; (3) subsistence activities and uses of marine mammals in Cook Inlet; (4) the acoustic environment in Cook Inlet; (5) proposed and upcoming projects within Cook Inlet; (6) ways to assess, mitigate, minimize, and monitor impacts of activities on marine mammals (especially beluga whales) and their habitats (including prey species); and (7) any other relevant information.

#### Public Meetings

We will hold a public scoping meeting in Anchorage, AK, on Monday, November 3, 2014, from 6:00 to 8:00 p.m. at the Loussac Library's Wilda Marston Theater located at 3600 Denali Street, Anchorage, AK 99503. Written and oral comments will be accepted at the public meeting.

Dated: October 7, 2014.

#### Donna S. Wieting,

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Indirect Cost Rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Year 2013

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Indirect Cost Rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Year 2013.

**SUMMARY:** The National Oceanic and Atmospheric Administration's (NOAA's) Damage Assessment, Remediation, and Restoration Program (DARRP) is announcing new indirect cost rates on the recovery of indirect costs for its component organizations involved in natural resource damage assessment and restoration activities for fiscal year (FY) 2013. The indirect cost rates for this fiscal year and date of implementation are provided in this notice. More information on these rates and the DARRP policy can be found at the DARRP Web site at [www.darrp.noaa.gov](http://www.darrp.noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information, contact LaTonya Burgess at 301-713-4248, ext. 211, by fax at 301-713-4389, or email at [LaTonya.Burgess@noaa.gov](mailto:LaTonya.Burgess@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The mission of the DARRP is to restore natural resource injuries caused by releases of hazardous substances or oil under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 *et seq.*) and the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), and to support restoration of physical injuries to National Marine Sanctuary resources under the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*). The DARRP consists of three component organizations: the Office of Response and Restoration (ORR) within the National Ocean Service; the Restoration Center within the National Marine Fisheries Service; and the Office of the General Counsel Natural Resources Section (GCNRS). The DARRP conducts Natural Resource Damage Assessments (NRDAs) as a basis for recovering damages from responsible parties, and uses the funds recovered to restore injured natural resources.

Consistent with federal accounting requirements, the DARRP is required to account for and report the full costs of

its programs and activities. Further, the DARRP is authorized by law to recover reasonable costs of damage assessment and restoration activities under CERCLA, OPA, and the NMSA. Within the constraints of these legal provisions and their regulatory applications, the DARRP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recovery of indirect cost rates subject to its requirements.

**The DARRP's Indirect Cost Effort**

In December 1998, the DARRP hired the public accounting firm Rubino & McGeehin, Chartered (R&M) to: evaluate the DARRP cost accounting system and allocation practices; recommend the appropriate indirect cost allocation methodology; and determine the indirect cost rates for the three organizations that comprise the DARRP. A **Federal Register** notice on R&M's effort, their assessment of the DARRP's cost accounting system and practice, and their determination regarding the most appropriate indirect cost methodology and rates for FYs 1993 through 1999 was published on December 7, 2000 (65 FR 76611). The notice and report by R&M can also be found on the DARRP Web site at [www.darrp.noaa.gov](http://www.darrp.noaa.gov).

R&M continued its assessment of DARRP's indirect cost rate system and structure for FYs 2000 and 2001. A second federal notice specifying the DARRP indirect rates for FYs 2000 and 2001 was published on December 2, 2002 (67 FR 71537).

In October 2002, DARRP hired the accounting firm of Cotton and Company LLP (Cotton) to review and certify DARRP costs incurred on cases for purposes of cost recovery and to develop indirect rates for FY 2002 and subsequent years. As in the prior years, Cotton concluded that the cost accounting system and allocation practices of the DARRP component organizations are consistent with federal accounting requirements. Consistent with R&M's previous analyses, Cotton also determined that the most appropriate indirect allocation method continues to be the Direct Labor Cost Base for all three DARRP component organizations. The Direct Labor Cost Base is computed by allocating total indirect cost over the sum of direct labor dollars, plus the application of NOAA's leave surcharge and benefits rates to direct labor. Direct labor costs for contractors from I.M. Systems Group (IMSG) were included in the direct labor base because Cotton determined that these costs have the same relationship to the indirect cost pool as NOAA direct

labor costs. IMSG provided on-site support to the DARRP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. IMSG continues to provide on-site support to the DARRP. Starting in FY 2010, contractors from Genwest provide on-site support for cost documentation. Subsequent federal notices have been published in the **Federal Register** as follows:

- FY 2002, published on October 6, 2003 (68 FR 57672)
- FY 2003, published on May 20, 2005 (70 FR 29280)
- FY 2004, published on March 16, 2006 (71 Fed Reg. 13356)
- FY 2005, published on February 9, 2007 (72 FR 6221)
- FY 2006, published on June 3, 2008 (73 FR 31679)
- FY 2007 and FY 2008, published on November 16, 2009 (74 FR 58948)
- FY 2009 and FY 2010, published on October 20, 2011 (76 FR 65182)
- FY 2011, published on September 17, 2012 (77 FR 57074)
- FY 2012, published on August 29, 2013 (78 FR 53425)

Cotton's reports on these indirect rates can also be found on the DARRP Web site at [www.darrp.noaa.gov](http://www.darrp.noaa.gov).

Cotton reaffirmed that the Direct Labor Cost Base is the most appropriate indirect allocation method for the development of the FY 2013 indirect cost rates.

**The DARRP's Indirect Cost Rates and Policies**

The DARRP will apply the indirect cost rates for FY 2013 as recommended by Cotton for each of the DARRP component organizations as provided in the following table:

DARRP component organization	FY 2013 indirect rate (percent)
Office of Response and Restoration (ORR) .....	131.43
Restoration Center (RC) .....	79.94
General Counsel .....	
Natural Resources Section (GCNRS) .....	29.01

These rates are based on the Direct Labor Cost Base allocation methodology.

The FY 2013 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2012 and September 30, 2013. DARRP will use the FY 2013 indirect cost rates for future fiscal years, beginning with FY 2014, until subsequent year-specific rates can be developed.

For cases that have settled and for cost claims paid prior to the effective

date of the fiscal year in question, the DARRP will not re-open any resolved matters for the purpose of applying the revised rates in this policy for these fiscal years. For cases not settled and cost claims not paid prior to the effective date of the fiscal year in question, costs will be recalculated using the revised rates in this policy for these fiscal years. Where a responsible party has agreed to pay costs using previous year's indirect rates, but has not yet made the payment because the settlement documents are not finalized, the costs will not be recalculated.

Dated: September 22, 2014.

**David Westerholm,**

*Director, Office of Response and Restoration.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XC100**

**Marine Mammals; File No. 17115**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit amendment.

**SUMMARY:** Notice is hereby given that a major amendment to Permit No. 17115-02 has been issued to James Lloyd-Smith, Ph.D., Department of Ecology and Evolutionary Biology, University of California, Los Angeles, 610 Charles E. Young Dr. South, Box 723905, Los Angeles, CA 90095-7239.

**ADDRESSES:** The permit amendment and related documents are available for review upon written request or by appointment in the following office:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427-8401; fax: (301)713-0376.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On July 16, 2014, notice was published in the **Federal Register** (79 FR 41538) that a request for an amendment Permit No. 17115-02 to conduct research on California sea lions (*Zalophus californianus*) had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and