

Signed at Washington, DC, this 8<sup>th</sup> day of June 2007.

**David M. Spooner,**

*Assistant Secretary of Commerce For Import Administration, Alternate Chairman Foreign-Trade Zones Board.*

Attest:

**Pierre V. Duy,**

*Acting Executive Secretary.*

[FR Doc. E7-11938 Filed 6-19-07; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Availability of Seats for the Stellwagen Bank National Marine Sanctuary Advisory Council

**AGENCY:** National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

**ACTION:** Notice and request for applications.

**SUMMARY:** The *Stellwagen Bank National Marine Sanctuary* (SBNMS or sanctuary) is seeking applicants for the following thirty vacant public seats on its Sanctuary Advisory Council (Council) (15 members; 15 alternates): (2) Research (Member and Alternate) (2) Conservation (Member and Alternate); (2) Education (Member and Alternate); (1) Marine Transportation (Member and Alternate); (1) Recreation (Member and Alternate); (1) Whalewatching (Member and Alternate); (1) Fixed Gear Commercial Fishing (Member and Alternate); (1) Mobile Gear Commercial Fishing (Member and Alternate); (1) Business and Industry (Member and Alternate); and (3) At-Large (Member and Alternate). Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve two-three year terms, pursuant to the Council's Charter. The Council consists also of three State and three Federal non-voting ex-officio seats.

**DATES:** Applications are due by August 15, 2007.

**ADDRESSES:** Application kits may be obtained from [Elizabeth.Stokes@noaa.gov](mailto:Elizabeth.Stokes@noaa.gov) Stellwagen

Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066. Telephone 781-545-8026 x201. Completed applications should be sent to the same address.

**FOR FURTHER INFORMATION CONTACT:** For further questions contact; [Nathalie.Ward@noaa.gov](mailto:Nathalie.Ward@noaa.gov), External Affairs Coordinator. Telephone: 781-545-8026 x206.

**SUPPLEMENTARY INFORMATION:** The Stellwagen Bank National Marine Sanctuary Advisory Council was established in March 2001 to assure continued public participation in the management of the Sanctuary. The Advisory Council's 21 members represent a variety of local user groups, as well as the general public, plus seven local, State and Federal government agencies. Since its establishment, the Council has played a vital role in advising the Sanctuary and NOAA on critical issues and is currently focused on the sanctuary's new five-year Management Plan.

The Stellwagen Bank National Marine Sanctuary encompasses 842 square miles of ocean, stretching between Cape Ann and Cape Cod. Renowned for its scenic beauty and remarkable productivity, the sanctuary supports a rich diversity of marine life including 22 species of marine mammals, more than 30 species of seabirds, over 60 species of fishes, and hundreds of marine invertebrates and plants.

**AUTHORITY:** 16 U.S.C. sections 1431, *et seq.* (Federal Domestic Assistance Catalogue Number 11.429 Marine Sanctuary Program)

Dated: June 13, 2007.

**Daniel J. Basta,**

*Director, National Marine Sanctuary Program, National Ocean Service, National Oceanic and Atmospheric Administration.*

[FR Doc. 07-3036 Filed 6-19-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA87**

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Proposed modification of permit 1235.

**SUMMARY:** NOAA's National Marine Fisheries Service (NMFS) has received a request from the City of Seattle (the

City) to amend its Permit 1235 (Permit) authorizing take of Puget Sound chinook salmon incidental to the operation of the City's watershed supply and management system. NMFS is requesting comments on whether Permit 1235 if amended as requested would still meet the statutory criteria for issuance of an incidental take permit.

**DATES:** Written comments on the proposed permit amendment must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific Standard Time July 20, 2007.

**ADDRESSES:** Written comments should be sent to Matthew Longenbaugh, Habitat Conservation Division, National Marine Fisheries Service, 510 Desmond Drive, Suite 103, Lacey, WA 98503. Comments may also be faxed to 360-753-9517. Comments will be accepted via email at

[Matthew.Longenbaugh@noaa.gov](mailto:Matthew.Longenbaugh@noaa.gov)

**FOR FURTHER INFORMATION CONTACT:**

Matthew Longenbaugh at phone number 360-753-7761, or e-mail:

[Matthew.Longenbaugh@noaa.gov](mailto:Matthew.Longenbaugh@noaa.gov)

**SUPPLEMENTARY INFORMATION:** Under the Endangered Species Act (ESA) and its implementing regulations,  $\geq$ take $\geq$  - defined to include harm and harassment as well as activities such as killing and capture - of endangered species is prohibited, absent a permit or other exception. By regulation, NMFS has applied the prohibition of take to threatened Puget Sound chinook salmon. In 2000, NMFS issued Incidental Take Permit 1235 (Permit) authorizing take of Puget Sound chinook salmon incidental to the operation of the City's water supply system. The City's Cedar River Watershed Habitat Conservation Plan (HCP), required for issuance of an incidental take permit, and supporting documents by NMFS analyzed the effects of the City's activities, not only to the listed Puget Sound chinook salmon but also to several species that were not listed under the ESA in 2000. The HCP and the Implementing Agreement (IA) signed by the City and NMFS, among others, provide that the Permit's authorization for incidental take of unlisted species becomes effective for that species upon its listing and subsequent application of the take prohibition. However, until the species is listed and take is prohibited, the City needs no Federal authorization to take individual members of that unlisted species.

On March 1, 2007, the City requested that the Permit no longer include one species of salmon, the Cedar River

sockeye, that remains unlisted. In conjunction with this, the City also wishes to remove as covered activities the interim sockeye hatchery and the planned permanent sockeye hatchery, included in the HCP.

NMFS believes that this proposed change could qualify as a minor modification, pursuant to section 12.1 of the IA, because it appears that none of the remaining operations covered by the Permit would change and the City would remain obligated to continue all of the Permit's other mitigation measures. Further, NMFS believes that removal of the sockeye and the interim and planned hatcheries from the Permit will have no effect on operation of those hatcheries. Separate agreements, namely the Landsburg Mitigation Agreement signed by the City, NMFS and the State of Washington, as well a court settlement with the Muckleshoot Tribe, require that the City continue sockeye hatchery operations with the same mitigation measures and adaptive management that would be required under the Permit.

However, NMFS wishes to ensure that the Permit, without the Cedar River sockeye as a covered species and the interim and planned hatcheries as covered activities, is still consistent with the statutory issuance criteria contained in section 10 of the ESA. Accordingly, NMFS will treat the requested change as if it were an amendment pursuant to 12.2 of the IA, including conducting any required environmental reviews. NMFS therefore seeks comment on Permit 1235 as it would operate without including the Cedar River sockeye and the interim and planned hatcheries. NMFS is particularly interested in information regarding whether this change would alter the operations that will still be covered by the Permit, and whether the mitigation measures for those remaining operations will need modification.

#### Authority

Under section 10(a)(1)(b) of the ESA, the Secretary of Commerce is authorized to issue permits for incidental take of ESA-listed species. The regulations that describe procedures for issuing these permits are found at 50 CFR 222.307.

Dated: June 14, 2007.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7-11963 Filed 6-19-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Indirect Cost Rates for the National Marine Sanctuary Program for Fiscal Year 2005

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

**ACTION:** Notice of indirect cost rates for the National Marine Sanctuary Program for Fiscal Year 2005.

**SUMMARY:** The National Oceanic and Atmospheric Administration's (NOAA's) National Marine Sanctuary Program (NMSP) is announcing the establishment of 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) 2005. The indirect cost rates for this fiscal year and dates of implementation are provided in this notice. More information on these rates and the NMSP policy can be obtained from the address provided below.

**FOR FURTHER INFORMATION CONTACT:** Harriet Sopher, 301-713-3125, ext. 271; (FAX: 301-713-0404; e-mail: [Harriet.Sopher@noaa.gov](mailto:Harriet.Sopher@noaa.gov)).

**SUPPLEMENTARY INFORMATION:** The mission of the NMSP with respect to Natural Resource Damage Assessment is to restore injuries to sanctuary resources 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.*) or the Oil Pollution Act of 1990 (OPA) (33 U.S.C., 2701 *et seq.*), or physical injuries under the National Marine Sanctuaries Act (NMSA) (16 U.S.C., 1431 *et seq.*). The NOAA NMSP consists of the following component organizations: Thirteen Marine Sanctuaries and one National Monument within NOAA's National Ocean Service. The NMSP conducts Natural Resource Damage Assessments (NRDAs) as a basis for recovering damages from responsible parties and uses the funds recovered to restore injured sanctuary resources.

When addressing NRDA incidents, the costs of the damage assessment are recoverable from responsible parties who are potentially liable for an incident. Costs include direct and indirect costs. Direct costs are costs for activities that are clearly and readily attributable to a specific output. In the context of the NMSP, outputs may be associated with damage assessment

cases, or may be represented by other program products such as damage assessment regulations. In contrast, indirect costs reflect the costs for activities that collectively support the NMSP's mission and operations. For example, indirect costs include general administrative support and traditional overheads. Although these costs may not be readily traced back to a specific direct activity indirect costs may be allocated to direct activities using an indirect cost distribution rate.

Consistent with standard Federal accounting requirements, the NMSP is required to account for and report the full costs of its programs and activities. Further, the NMSP 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 NMSP has the discretion to develop indirect cost rates for its component organizations and formulate policies on the recover of indirect cost rates subject to its requirements.

#### The NMSP's Indirect Cost Effort

In October 2002, the NMSP hired the public accounting firm Cotton & Company (C&C) to: (1) Evaluate the cost accounting system and allocation practices; (2) recommend the appropriate indirect cost allocation methodology; and, (3) determine the indirect cost rates for the organizations that comprise the NMSP.

The NMSP requested an analysis of its indirect costs for fiscal year 2002. The goal was to develop the most appropriate indirect cost rate allocation methodology and rates for the NMSP component organizations. C&C has continued its assessment of the NMSP's indirect cost rate system and structure from FY2002 to present.

C&C concluded that the cost accounting system and allocation practices of the NMSP component organizations are consistent with Federal accounting requirements. C&C also determined that the most appropriate indirect allocation method was the Direct Labor Cost Base for all NMSP component organizations. The Direct Labor Cost Base is computed by allocating total indirect costs over the sum of direct labor dollars plus the application of NOAA's leave surcharge and benefits rates to direct labor. The indirect cost rates that C&C has computed for the NMSP component organizations were further assessed as being fair and equitable. A report on C&C's effort, their assessment of the NMSP's cost accounting system and