

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 the Oak Ridge Institute for Science and Education (ORISE) also 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. ORISE provides on-site support to DARP in the areas of injury assessment, natural resource economics, restoration planning and implementation, and policy analysis. Cotton's reports on the FY 2002 DARP indirect rates can also be found on the DARP Web site at: [www.darp.noaa.gov](http://www.darp.noaa.gov).

### The DARP's Indirect Cost Rates and Policies

The DARP will apply the indirect cost rates for FY 2002 as recommended by Cotton for each of the DARP component organizations as provided in the following table:

DARP component organization	FY 2002 indirect rate (in percent)
Damage Assessment Center (DAC) .....	254.17
Restoration Center (RC) .....	218.36
General Counsel for Natural Resources (GCNR) .....	251.75

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

The FY 2002 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2002, and September 30, 2003. DARP will use the FY 2002 indirect cost rates for future fiscal years 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 DARP 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.

The DARP indirect cost rate policies and procedures published in the **Federal Register** on December 7, 2000 (65 FR 76611), and on December 2, 2002 (67 FR 71537), remain in effect except as updated by this notice.

Dated: September 29, 2003.

**Jamison S. Hawkins,**

*Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 091603C]

### Marine Mammals; File Nos. 774-1714-00 and 782-1719-00

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

**ACTION:** Receipt of applications.

**SUMMARY:** Notice is hereby given that the following Agencies have applied in due form for a permit to take various pinniped, cetacean and sea turtles during stock assessment activities for purposes of scientific research:

774-1714 - Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Dr., La Jolla, CA 92037 (Principal Investigator: Stephen B. Reilly, Ph. D.); and

782-1719 - National Marine Mammal Laboratory, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115 (Principal Investigator: Sue Moore, Ph.D.).

**DATES:** Written or telefaxed comments must be received on or before November 5, 2003.

**ADDRESSES:** The applications and related documents are available for review upon written request or by appointment in the following office(s) (**SEE SUPPLEMENTARY INFORMATION**)

**FOR FURTHER INFORMATION CONTACT:** Ruth Johnson, Carrie Hubbard or Patrick Opay, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Southwest Fisheries Science Center (File No. 774-1714) requests a permit to take marine mammals and sea turtles

during stock assessment research activities. The application consists of three projects: Project I (Pinniped Studies) is to conduct population assessments for northern elephant seals (*Mirounga angustirostris*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*) and harbor seals (*Phoca vitulina richardsi*) via aerial and ground/vessel surveys and photogrammetry to determine abundance, distribution patterns, length frequencies, breeding densities. Scat and spew will be collected from California sea lions to determine the diet of this species. This research is part of an ongoing program to assess the status of pinniped species and identify fishery-marine mammal conflicts. Each of the pinniped species requested interacts with fisheries off California. Project II (Cetacean Studies) is to determine the abundance, distribution, movement patterns, and stock structure of cetaceans in U.S. territorial and international waters. These studies are conducted through vessel surveys, aerial surveys, helicopter and small plane photogrammetry, photo-identification (from vessels and small boats), biological sample collection, and tagging and tracking of individual animals. Cetacean abundance data will be used to set limits (PBRs) of allowable human-caused mortality under the MMPA and to monitor trends in abundance through time. Genetic and other analyses of biological samples collected will be used to determine stock structure for the appropriate management of these species. Tagging and tracking activities will help address outstanding needs for data on movements and dive time correction factors for abundance estimation procedures. Project II activities also include the salvage and import/export of cetacean parts, specimens and biological samples. Project III (Sea Turtle Studies) is to determine the abundance, distribution, movement patterns, stock structure and diet of marine turtles in U.S. territorial and international waters. Project III studies will occur opportunistically to research activities conducted under Project II. Sea Turtle data opportunistically collected during cetacean surveys will be useful in determining movements and distribution of turtle species in the ETP, especially for olive ridley turtles. The research activities proposed in this application will provide information on movements and distribution from tag re-sights, genetic analyses of tissue biopsy and blood samples, and continued analyses of sea turtle distribution from sightings data. NMFS recovery plans for

these species stress the need for a clarification of stock identity issues and determination of habitat needs and primary foraging areas. Project III also entails the salvage, import and export of marine turtle parts, specimens and biological samples.

In addition to import/export/re-export authorization for biological samples collected during the research activities, the Applicant requests authorization to import/export/re-export parts, salvaged specimens and biological samples or salvaged parts and specimens collected by other researchers under their own authorization.

782-1719 – National Marine Mammal Laboratory submitted a complete application on May 21, 2003 to take various cetacean species during stock assessment research activities. The application was published in the **Federal Register** on June 4, 2003 (68 FR 33477). The applicant has submitted a supplemental request to that application to take endangered marine mammals in the Antarctic.

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents for both applications may be reviewed in the following locations:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376; and

Assistant Regional Administrator for Protected Resources, Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426;

Assistant Regional Administrator for Protected Resources, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK

99802-1668; phone (907)586-7235; fax (907)586-7012;

Assistant Regional Administrator for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4020; fax (562)980-4027; and

Assistant Administrator, Pacific Islands Regional Office, NMFS, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700; phone (808)973-2935; fax (808)973-2941.

Dated: September 30, 2003.

**Stephen L. Leathery,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### HQ USAF Scientific Advisory Board

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Public Law 92-463, notice is hereby given of the forthcoming meeting of the AFC2ISRC Advisory Group. The purpose of the meeting is to brief the Commander of the AFC2ISR Center. This meeting will be closed to the public.

**DATE:** October 15, 2003.

**ADDRESSES:** AFC2ISRC, Langley AFB, VA.

**FOR FURTHER INFORMATION CONTACT:** Maj. Chris Berg, Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Rm 5D982, Washington DC 20330-1180, (703) 697-4811.

**Pamela D. Fitzgerald,**

*Air Force Federal Register Liaison Officer.*

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## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Extension of Scoping Period for the Draft Environmental Impact Statement/Environmental Impact Report for a Proposed Marine Terminal Development at Pier S in the Port of Long Beach, Los Angeles County, CA

**AGENCY:** U.S. Army Corps of Engineers, Los Angeles District, DoD.

**ACTION:** Notice of intent—extension of scoping period.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) is considering the development of Pier S Marine Terminal Project (Proposed Action). The development of Pier S would result in a 160-acre marine container terminal, and would include four elements: dredging, wharf construction, and container cranes; container yard; terminal buildings and truck gates; and an intermodal rail yard.

The primary Federal concern is the dredging and discharging of materials within waters of the U.S. and potential impacts on the human environment. Under Section 404 of the Clean Water Act, the Corps is authorized to approve discharges of dredged or fill material into waters of the U.S. Under section 10 of the Rivers and Harbors Act, the Corps may authorize activities that could affect navigable waters. The Corps is preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) prior to deciding whether or not to authorize the Proposed Action. The Corps may ultimately make a determination to permit or deny the Proposed Action, or permit or deny alternatives to the Proposed Action.

Pursuant to the California Environmental Quality Act (CEQA), the Port will serve as Lead Agency for the preparation of an Environmental Impact Report (EIR) for its consideration of development approvals within its jurisdiction. The Corps and the Port have agreed to jointly prepare a Draft EIS/EIR in order to optimize efficiency and avoid duplication. The Draft EIS/EIR is intended to be sufficient in scope to address federal, state, and local requirements and environmental issues concerning the proposed activities and permit approvals.

**Scoping Process and Availability of the Draft:** The Corps previously published its NOI in the **Federal Register** on September 12th, 2003. For further information, please consult the original NOI publication.

The Corps and the Port will jointly conduct a scoping meeting for the proposed project. English and Spanish translation services will be provided at the meeting. The public scoping meeting will be held to receive public comment and assess public concerns regarding the appropriate scope of the Draft EIS/EIR. Participation in the public meeting by federal, state and local agencies and other interested organizations and persons are encouraged. Parties interested in being added to the Corps' electronic mail