

ACTION: Notice of the South Atlantic; Southeastern Data, Assessment, and Review (SEDAR) Workshop for Goliath grouper and hogfish.

SUMMARY: The SEDAR process for stock assessments consists of a series of three workshops, a Data Review Workshop, an Assessment Workshop, and a Review Workshop. As part of this series, an Assessment Workshop is being held for Goliath grouper and hogfish.

DATES: The workshop will take place January 27–30, 2004. The workshop will be held on January 27, 2004, 2 p.m.–5:30 p.m.; January 28–29, 2004, 8:30 a.m.–5:30 p.m.; January 30, 8:30 a.m.–3 p.m.

ADDRESSES: The workshop will be held at the Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607; telephone: (813) 877–6688.

Council address: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer; telephone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520.

SUPPLEMENTARY INFORMATION: The South Atlantic Fishery Management Council, in conjunction with NOAA Fisheries, has implemented the SEDAR process, a multi-step method for determining the status of fish stocks. SEDAR includes three workshops: (1) Data Workshop, (2) Stock Assessment Workshop and (3) the Review Workshop. The product of the Data Workshop and the Stock Assessment Workshop is a stock assessment report. This report is then peer reviewed at the Review Workshop and a final consensus report and advisory report is prepared that includes strengths and weaknesses in the stock assessment and recommendations to fishery managers for future data and research needs. The process includes data collectors, biologists, fishermen, environmental representatives, database managers, stock assessment scientists and Council members and staff.

SEDAR 6 consists only of a Review Workshop for Goliath grouper and hogfish. This deviation from the standard SEDAR process was recommended by the SEDAR Steering Committee to address an immediate need to review these two assessments for upcoming amendments to the Snapper/Grouper Fishery Management Plan. The hogfish stock assessment was prepared by the University of Miami under contract to the state of Florida and initiated before the SEDAR process existed. The State has requested that an

Assessment Review be conducted prior to accepting the stock assessment. Goliath grouper was reviewed in a prior SEDAR Data Workshop (SEDAR 3) but not assessed during the Assessment Workshop. Upon consideration at the SEDAR 3 Review Workshop, the panel indicated that an assessment could be conducted. The National Marine Fisheries Service (NOAA Fisheries) conducted the assessment as instructed and has submitted it for review.

The Review Workshop involves a peer review of the report created from the earlier two workshops.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to the workshop.

Dated: December 23, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Indirect Cost Rates for the National Marine Sanctuary Program

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

ACTION: Notice.

SUMMARY: NOAA's National Marine Sanctuary Program (NMSP) is announcing the establishment of indirect cost rates and a policy on the recovery of indirect costs for its involvement in natural resource damage assessment and restoration activities. These rates and the NMSP policy will be applied to all damage assessment and restoration case costs as of October 1,

2001, for cases not settled prior to that date. More information on these rates and the NMSP policy can be obtained from the address provided below.

EFFECTIVE DATE: October 1, 2001.

FOR FURTHER INFORMATION CONTACT:

Harriet Sopher, 301–713–3125, ext. 109; (Fax: 301–713–0404; e-mail:

Harriet.Sopher@noaa.gov.

SUPPLEMENTARY INFORMATION: The mission of the NMSP under the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*) is to manage and protect specifically designated areas of the nation's oceans and Great Lakes for their habitats, ecological value, threatened and endangered species, and historical archaeological, recreational and esthetic resources. The NOAA NMSP is part of the National Ocean Service, and consists of a system of individual sanctuary sites (13 at present) and a headquarters office.

The NMSP has the mandate to restore sanctuary resources injured as the result of physical harm (section 312, NMSA), or caused by releases of hazardous substances or oil (Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.* and Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2701 *et seq.*) 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 and to reimburse the NMSP for assessment costs incurred.

NOAA has promulgated natural resource damage regulations under the Oil Pollution Act (OPA), 33 U.S.C. 2701 *et seq.* While oriented towards claims arising under OPA, the regulations provide guidance to NOAA in developing natural resource damage claims under a variety of statutes including the NMSA. The OPA regulations define the scope of the costs of the damage assessment and specifically allow for the inclusion of indirect costs provided, however, that those costs are developed according to generally acceptable accounting practices. Specifically, the regulations state that “both direct and indirect costs contribute to the full cost of the assessment and restoration * * *” and are defined to mean “expenses that are jointly or commonly incurred to produce two or more products or services * * *. Indirect costs are not specifically identifiable with any of the products or services, but are necessary for the organization to function and produce the products or services. An indirect cost rate, developed in

accordance with generally accepted accounting principles, may be used to allocate indirect costs to specific assessment and restoration activities." 15 CFR 990.30.

Accordingly, the NMSP includes both direct and indirect costs in damage assessment claims it presents to responsible parties. Direct costs are costs for activities that are clearly and readily attributable to a specific output. Outputs may be associated with on-scene emergency response as well as the damage assessment. In contrast, indirect costs reflect the costs for activities that collectively support the NMSP's damage assessment, restoration, and emergency response capabilities. 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 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 the NMSA, CERCLA, and OPA. Within the constraints of these legal provisions and their regulatory applications, the NMSP has the discretion to develop indirect cost rates for its components and formulate policies on the recovery of indirect cost rates subject to its requirements.

The NMSP's Indirect Cost Effort

In October 2002, the NMSP hired the public accounting firm of 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 components of 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 components.

C&C concluded that the cost accounting system and allocation practices of the NMSP 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 components. 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 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 practices, and their determination respecting the most appropriate indirect cost methodology and rates can be obtained from Michelle Chapman, 1305 East West Highway, Silver Spring, MD 20910, michelle.chapman@noaa.gov.

The NMSP's Indirect Cost Policy

The NMSP will include the costs of program policy work and techniques and methods development in indirect cost pools of its component organizations, but will monitor these activities annually to control costs. The indirect cost pools also include the cost of general management and administrative support and preparedness for emergency response work.

The NMSP will apply the rates recommended by C&C for fiscal year 2002 for each of the NMSP components as provided below:

Headquarters and all sanctuary field sites except as specified: 154.62%,
Florida Keys National Marine Sanctuary: 249.41%

Different components of the NMSP have different rates because of their different roles and responsibilities with respect to damage assessment and restoration. The Headquarters staff serves a coordinating function, providing overall policy direction and administrative support. Individual sanctuary sites support policy development, but also conduct techniques development and perform the field operational role, providing on-the-water emergency response and biological assessment of the injuries and conducting or overseeing restoration efforts. A separate rate was calculated for the Florida Keys National Marine Sanctuary (FKNMS) because the vast majority of incidents occur at that site. The FKNMS maintains an entire team of emergency response, damage assessment and restoration personnel, equipped and trained for their field operational role.

The rates identified in this policy will be applied to all damage assessment and restoration case costs as of October 1, 2001, using the Direct Labor Cost base allocation methodology. For cases that have settled and for cost claims paid prior to October 1, 2001, the NMSP will not reopen any resolved matters for the purpose of applying the rates in this policy. For cases not settled and cost claims not paid prior to October 1, 2001, costs will be recalculated using the rates

in this policy. The NMSP will use the FY 2002 rates for future fiscal years until year-specific rates can be developed.

Alan Neuschatz,

Associate Assistant Administrator for Management, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D 110403A]

Endangered Species; File No. 1418

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Lawrence D. Wood, Marinelife Center of Juno Beach, 14200 U.S. Hwy. #1, Juno Beach, FL, 33408, has been issued a permit to take hawksbill sea turtles (*Eretmochelys imbricata*) for purposes of scientific research.

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

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;

Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

FOR FURTHER INFORMATION CONTACT: Patrick Opay, (301) 713-1401 or Carrie Hubbard, (301)713-2289.

SUPPLEMENTARY INFORMATION: On May 20, 2003, notice was published in the **Federal Register** (68 FR 27535) that a request for a scientific research permit to take hawksbill sea turtles had been submitted by the above-named individual. The requested permit has been issued under the authority of 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 parts 222-226).

The applicant will hand capture, handle, measure, Passive Integrated Transponder (PIT) and flipper tag, photograph, tissue sample, paint a