

We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. See section 751(a)(2)(B)(iv) of the Act.

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from An Phu, GODACO, or DOCIFISH in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because An Phu, GODACO, and DOCIFISH certified that they have both produced and exported the subject merchandise, the sales of which are the bases for these new shipper review requests, we will apply the bonding privilege to these three companies only for subject merchandise which the respondents both produced and exported.

This initiation notice serves as notification to the three companies that upon initiation of this new shipper review, the Department will require An Phu, GODACO, and DOCIFISH to submit on an ongoing basis complete transaction information concerning any sales of subject merchandise to the United States that were made subsequent to the period of review in order to assist in its analysis of the *bona fides* of the sales of the three companies.

Interested parties requiring access to proprietary information in these new shipper reviews should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: September 26, 2011.

Gary Taverman,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2011-25426 Filed 9-30-11; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Indirect Cost Rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Years 2009 and 2010

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

ACTION: Notice of Indirect Cost Rates for the Damage Assessment, Remediation, and Restoration Program for Fiscal Years 2009 and 2010.

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 years (FY) 2009 and 2010. The indirect cost rates for these fiscal years and dates 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.

FOR FURTHER INFORMATION CONTACT: For further information, contact LaTonya Burgess at 301-713-4248, ext. 211, by fax at 301-713-4389, or e-mail at 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.*), the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*), and 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 for Natural Resources (GCNR). 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 <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. A third federal notice

specifying the DARRP indirect rates for FY 2002 was published on October 6, 2003 (68 FR 57672), a fourth notice for the FY 2003 indirect cost rates appeared on May 20, 2005 (70 FR 29280), and a fifth notice for the FY 2004 indirect cost rates was published on March 16, 2006 (71 FR 13356). The notice for the FY 2005 indirect cost rates was published on February 9, 2007 (72 FR 6221). The notice for the FY 2006 rates was published on June 3, 2008 (73 FR 31679). Finally, the notice for the FY 2007 and FY 2008 rates was published on November 16, 2009 (74 FR 58948). Cotton's reports on these indirect rates can also be found on the DARRP Web site at <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 2009 and FY 2010 indirect cost rates.

The DARRP's Indirect Cost Rates and Policies

The DARRP will apply the indirect cost rates for FY 2009 and FY 2010 as recommended by Cotton for each of the DARRP component organizations as provided in the following table:

DARRP Component organization	FY2007 Indirect rate (percent)	FY2008 Indirect rate (percent)
Office of Response and Restoration (ORR)	197.44	125.88
Restoration Center (RC)	142.07	90.42
General Counsel for Natural Resources (GCNR)	83.93	49.49

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

The FY 2009 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2008 and September 30, 2009. The FY 2010 rates will be applied to all damage assessment and restoration case costs incurred between October 1, 2009 and September 30, 2010. DARRP will use the FY 2010 indirect cost rates for future fiscal years, beginning with FY 2011, 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.

The DARRP indirect cost rate policies and procedures published in the Federal Register on December 7, 2000 (65 FR 76611), on December 2, 2002 (67 FR 71537), October 6, 2003 (68 FR 57672), May 20, 2005 (70 FR 29280), March 16, 2006 (71 FR 13356), February 9, 2007 (72 FR 6221), June 3, 2008 (73 FR 31679), and November 16, 2009 (74 FR 58948) remain in effect except as updated by this notice.

Dated: September 15, 2011.

David Westerholm,

Director, Office of Response and Restoration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA725

Endangered and Threatened Species; Counterpart Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; Fish and Wildlife Service (USFWS), Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Forest Service and Bureau of Land Management (together, action agencies) in coordination with the USFWS and NMFS, have agreed to revoke the March 4, 2004, National Fire Plan Counterpart Regulation Alternative Consultation Agreements (ACAs).

DATES: This is effective on October 1, 2011.

ADDRESSES: The final decision of revocation is available on the internet at <http://www.nmfs.noaa.gov/pr/laws/esa/policies.htm#consultation> and <http://www.fws.gov/endangered/esa-library/index.html>. Action Agency documents, as well as supporting documentation used in the preparation of this decision, will be available for public inspection, by appointment, during normal business hours at: NMFS Office of Protected Resources, 1315 East-West Highway, Room 13535, Silver Spring, MD 20910 or USFWS, 4401 N. Fairfax Drive, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT:

Angela Somma, NMFS, at 301-427-8474 or by fax at 301-713-0376; or Rick

Sayers, USFWS at 703-358-2171 or by fax at 703-358-1735.

SUPPLEMENTARY INFORMATION: Section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; hereafter ESA) requires federal agencies, in consultation with, and with the assistance of, the Secretaries of Commerce and Interior, to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of endangered or threatened species or destroy or adversely modify designated critical habitat. The principles, practices, and protocols for section 7 consultations are identified in the ESA, and regulations promulgated in 1986 for implementing section 7 (50 CFR, part 402), further expound the procedural and substantive requirements for consultation. The counterpart regulations provide an optional alternative to the standard section 7 consultation process, and were developed specifically for agency projects that authorize, fund, or carry out actions that support the National Fire Plan. Upon entering into an ACA with the Services, action agencies may make "not likely to adversely affect" determinations for National Fire Plan projects without consulting with the Services. The March 4, 2004, ACAs included specific requirements for reporting and conducting periodic program monitoring of the use of the counterpart regulations.

NMFS and USFWS reviewed the projects carried out during years two through four by the action agencies. Based on results of the review of these projects, the relatively limited use of the counterpart regulations since their inception, the action agencies' cursory assessment of the year five through seven projects, and the action agencies' request to revoke the ACAs; NMFS and USFWS agree to terminate the ACAs with the action agencies.

Dated: September 20, 2011.

Angela Somma,

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

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