

issue appropriate assessment instructions directly to the BCBP within 15 days of publication of these final results of review. We will direct the BCBP to assess the resulting assessment rates against the entered customs values for the subject merchandise on each of the importer's entries during the review period.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of silicon metal from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) cash deposits for CBCC will no longer be required; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 91.06 percent, the "all others" rate made effective by the LTFV investigation. The required cash deposits shall remain in effect until publication of the final results of the next administrative review.

### Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 C.F.R. 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the return or destruction of proprietary information disclosed under an APO in accordance with 19 C.F.R. 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 26, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Indirect Cost Rates for the Damage Assessment and Restoration Program for Fiscal Year 2002

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

**ACTION:** Notice.

**SUMMARY:** The National Oceanic Administration's (NOAA) Damage Assessment and Restoration Program (DARP) 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) 2002. The indirect cost rates for this fiscal year and dates of implementation are provided in this notice. More information on these rates and the DARP policy can be found at the DARP Web site at: [www.darp.noaa.gov](http://www.darp.noaa.gov).

**FOR FURTHER INFORMATION:** For further information, contact Brian Julius at 301-713-3038, ext. 199, by fax at 301-713-4387, or e-mail at [Brian.Julius@noaa.gov](mailto:Brian.Julius@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The mission of the DARP 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 DARP consists of three component organizations: the Damage Assessment Center (DAC) 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 DARP 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 DARP is required to account for and report the full costs of its programs and activities. Further, the DARP 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 DARP 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 DARP's Indirect Cost Effort

In December 1998, the DARP hired the public accounting firm Rubino & McGeehin, Chartered (R&M), to: Evaluate the 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 DARP. A **Federal Register** notice on R&M's effort, their assessment of the DARP'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 DARP Web site at: [www.darp.noaa.gov](http://www.darp.noaa.gov).

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

In October 2002, DARP hired the accounting firm of Cotton and Company LLP (Cotton) to review and certify DARP 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 DARP 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 DARP 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 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