

using a discount rate applicable to uncreditworthy firms.

(7) Based on our uncreditworthy determination for certain RZBC companies, we are applying an uncreditworthy benchmark rate to certain long-term loans received by RZBC companies in relevant years in our recalculation of the aggregate subsidy benefits for the Shandong Policy Loan and Export Seller's Credit

for High- and New-Technology Products programs.

(8) We are not calculating a subsidy rate for the GOC's provision of steam coal for LTAR for these final results because we have determined that we require more information on the de facto specificity of this program and, thus, will have to defer a decision on the program's countervailability to a future

administrative review. *See* Issues and Decision Memorandum at Comment 6.

### Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated individual *ad valorem* subsidy rates for RZBC and Yixing, the producers covered by this administrative review, as set forth below:

Producer exporter	Net subsidy rate—2008 (percent)	Net subsidy rate—2009 (percent)
RZBC Co., Ltd.; RZBC Import & Export Co., Ltd.; RZBC (Juxian) Co., Ltd.; and RZBC Group Co., Ltd. ....	7.44	8.93
Yixing-Union Biochemical Co., Ltd. and Yixing-Union Cogeneration Co., Ltd. ....	5.65	16.13

### Assessment Rates

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of these final results of review.

### Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated CVDs in the amounts shown above. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

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

Dated: December 5, 2011.

**Christian Marsh,**

*Acting Assistant Secretary for Import Administration.*

### Appendix—Issues and Decision Memorandum

#### General Issues

- Comment 1 Application of CVD Law to the PRC and Double Remedy  
 Comment 2 Whether Application of the CVD Law to NMEs Violates the APA  
 Comment 3 Countervailability of Input Purchases Made Through Private Trading Companies

#### Case-Specific

- Comment 4 Adjustment of the International Freight Benchmark Used To Measure the Benefit of Steam Coal Sold at LTAR  
 Comment 5 Whether Petitioners' Factual Information Submissions Were Properly Certified  
 Comment 6 Whether Steam Coal at LTAR Is Specific  
 Comment 7 Whether Sulfuric Acid at LTAR Is Specific  
 Comment 8 Application of AFA to Yixing for Sulfuric Acid LTAR  
 Comment 9 Use of Prices From Actual Transactions in the PRC (Tier 1 Benchmark) To Measure Benefit of Sulfuric Acid LTAR  
 Comment 10 Evidence of Policy Lending  
 Comment 11 Whether Certain Input Suppliers Are Government Authorities

#### Respondent Specific

- Comment 12 Whether Cogeneration Is the Parent of Yixing-Union  
 Comment 13 Application of the Upstream Subsidy Provision for the Steam Coal LTAR  
 Comment 14 Adequacy of Yixing's Cooperation in Providing Information on Affiliate  
 Comment 15 Whether the State Ownership Determination for Yixing's Affiliates Is Correct  
 Comment 16 Whether the Department Deprived Yixing of the Opportunity To Review Subsidy Calculations  
 Comment 17 Correction of AFA Ruling Based on RZBC Submission of Requested Information  
 Comment 18 Whether Department's Finding That RZBC Was Uncreditworthy Is Supported by Record Evidence  
 Comment 19 Whether the Department Provided the GOC the Opportunity To Correct Deficiencies Found in the Preliminary Results

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### Affirmation of Vertical Datum for Surveying and Mapping Activities for the Islands of St. Croix, St. John, and St. Thomas, United States Virgin Islands

**AGENCY:** National Geodetic Survey (NGS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration.

**ACTION:** Notice.

**SUMMARY:** This Notice announces a decision by the Federal Geographic Data Committee's Federal Geodetic Control Subcommittee in accordance with the Office of Management and Budget; Circular A-16 (<http://www.whitehouse.gov/omb/circulars/a016/a016.html>), to affirm the Virgin Islands Vertical Datum of 2009 (VIVD09) as the official civilian vertical datum for surveying and mapping activities for the islands of St. Croix, St. John, and St. Thomas of the United States Virgin Islands, and to the extent practicable, legally allowable and feasible, require that all Federal agencies, with the exception of those with specific military related applications, using or producing vertical height information undertake an orderly transition to VIVD09.

**DATES:** Individuals or organizations wishing to submit comments on the adoption of VIVD09 as the official civilian vertical datum for the Virgin Islands should do so by January 11, 2012.

**ADDRESSES:** Written comments should be sent to the attention of David Doyle, Chief Geodetic Surveyor, Office of the National Geodetic Survey, National Ocean Service (N/NGS2), 1315 East-

West Highway, #8815, Silver Spring, Maryland 20910, fax (301) 713-4324, or via email [Dave.Doyle@noaa.gov](mailto:Dave.Doyle@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to David Doyle, Chief Geodetic Surveyor, National Geodetic Survey (NNGS2), 1315 East-West Highway, #8815, Silver Spring, MD 20910; *Phone:* (301) 713-3178.

**SUPPLEMENTARY INFORMATION:** The National Ocean Service (NOS), National Geodetic Survey (NGS), has completed the definition and implementation of VIVD09. VIVD09 supersedes all previously published height systems determined by other Federal surveying and mapping agencies on St. Croix, St. John, and St. Thomas, with the exception of those specifically related to tidal datums and/or military applications. VIVD09 heights are the result of a mathematical least squares general adjustment of the vertical control portion of the National Spatial Reference System (NSRS) and are derived from approximately 105.85 km of Double-Run, 1 st-Order, Class II geodetic leveling observations (54.73 km on St. Croix, 29.10 km on St. John, and 22.02 km on St. Thomas) undertaken specifically for this project. The basis for all VIVD09 heights is Local Mean Sea Level, for the National Tidal Datum Epoch 1983–2001, as determined by the NOS Center for Operational Oceanographic Products and Services (CO-OPS), and published for the National Water Level Observation Network (NWLON) bench marks numbered 975 1401 M (PID DK7165) (3.111 meters), located at Lime Tree Bay, St. Croix, 975 1381 TIDAL A (PID DL3636) (1.077 meters), located at Lameshur Bay, St. John, and 975 1639 F (PID DL3908) (1.552 meters), located at Charlotte Amalie, St. Thomas.

VIVD09 height information for individual geodetic control monuments is available in digital form, from the NGS Web site: <http://www.ngs.noaa.gov/cgi-bin/datasheet.prl>.

Dated: November 21, 2011.

**Juliana P. Blackwell,**

*Director, Office of National Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XA831**

**Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish Individual Fishing Quota Cost Recovery Programs**

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

**ACTION:** Notification of standard prices and fee percentage.

**SUMMARY:** NMFS publishes individual fishing quota (IFQ) standard prices and fee percentage for the IFQ cost recovery program in the halibut and sablefish fisheries of the North Pacific. The fee percentage for 2011 is 1.6%. This action is intended to provide holders of halibut and sablefish IFQ permits with the 2011 standard prices and fee percentage to calculate the required payment for IFQ cost recovery fees due by January 31, 2012.

**DATES:** Effective December 12, 2011.

**FOR FURTHER INFORMATION CONTACT:** Troie Zuniga, Fee Coordinator, (907) 586-7231.

**SUPPLEMENTARY INFORMATION:**

**Background**

NMFS Alaska Region administers the halibut and sablefish individual fishing quota (IFQ) programs in the North Pacific. The IFQ programs are limited access systems authorized by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Northern Pacific Halibut Act of 1982. Fishing under the IFQ programs began in March 1995. Regulations implementing the IFQ program are set forth at 50 CFR part 679.

In 1996, the Magnuson-Stevens Act was amended to, among other things, require the Secretary of Commerce to “collect a fee to recover the actual costs directly related to the management and enforcement of any \* \* \* individual quota program.” This requirement was further amended in 2006 to include collection of the actual costs of data collection, and to replace the reference to “individual quota program” with a more general reference to “limited access privilege program” at section 304(d)(2)(A). This section of the Magnuson-Stevens Act also specifies an upper limit on these fees, when the fees must be collected, and where the fees must be deposited.

On March 20, 2000, NMFS published regulations implementing the IFQ cost recovery program (65 FR 14919), which are set forth at § 679.45. Under the regulations, an IFQ permit holder incurs a cost recovery fee liability for every pound of IFQ halibut and IFQ sablefish that is landed on his or her IFQ permit(s). The IFQ permit holder is responsible for self-collecting the fee liability for all IFQ halibut and IFQ sablefish landings on his or her permit(s). The IFQ permit holder is also responsible for submitting a fee liability payment to NMFS on or before the due date of January 31 of the year following the year in which the IFQ landings were made. The dollar amount of the fee due is determined by multiplying the annual IFQ fee percentage (3 percent or less) by the ex-vessel value of all IFQ landings made on a permit and summing the totals of each permit (if more than one).

**Standard Prices**

The fee liability is based on the sum of all payments made to fishermen for the sale of the fish during the year. This includes any retro-payments (e.g., bonuses, delayed partial payments, post-season payments) made to the IFQ permit holder for previously landed IFQ halibut or sablefish.

For purposes of calculating IFQ cost recovery fees, NMFS distinguishes between two types of ex-vessel value: Actual and standard. Actual ex-vessel value is the amount of all compensation, monetary or non-monetary, that an IFQ permit holder received as payment for his or her IFQ fish sold. Standard ex-vessel value is the default value on which to base fee liability calculations. IFQ permit holders have the option of using actual ex-vessel value if they can satisfactorily document it; otherwise, the standard ex-vessel value is used.

Regulations at § 679.45(c)(2)(i) require the Regional Administrator to publish IFQ standard prices during the last quarter of each calendar year. These standard prices are used, along with estimates of IFQ halibut and IFQ sablefish landings, to calculate standard values. The standard prices are described in U.S. dollars per IFQ equivalent pound for IFQ halibut and IFQ sablefish landings made during the year. IFQ equivalent pound(s) is the weight (in pounds) for an IFQ landing, calculated as the round weight for sablefish, and headed and gutted net weight for halibut. NMFS calculates the standard prices to closely reflect the variations in the actual ex-vessel values of IFQ halibut and IFQ sablefish landings by month and port or port-group. The standard prices for IFQ halibut and IFQ sablefish are listed in