

the predecessor if the resulting operations are essentially the same as those of the predecessor company. *See, e.g., Industrial Phosphoric Acid from Israel: Final Results of Antidumping Duty Changed Circumstances Review*, 59 FR 6944, 6945 (February 14, 1994), and *Plate from Romania*, 70 FR 22847. Thus, if the record evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor. *See, e.g., Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999). Although Isibars submitted documentation related to its name change, it failed to provide complete supporting documentation for the four elements listed above. Accordingly, the Department has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). Therefore, the Department is not issuing the preliminary results of its antidumping duty changed circumstances review at this time.

The Department will issue questionnaires requesting factual information for the review, and will publish in the **Federal Register** a notice of preliminary results of antidumping duty changed circumstances review, in accordance with 19 CFR 351.221(b)(2) and (4), and 19 CFR 351.221(c)(3)(i). The notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed based on those results. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its antidumping duty changed circumstances review not later than 270 days after the date on which the review is initiated.

During the course of this antidumping duty changed circumstances review, the cash deposit requirements for the subject merchandise exported and manufactured by India Steel will continue to be the rate established in the final results of the last administrative review for all other manufacturers and exporters not previously reviewed. *See Certain Forged Stainless Steel Flanges from India: Notice of Final Results and*

Partial Rescission of Antidumping Duty Administrative Review, 72 FR 45221 (August 13, 2007). The cash deposit will be altered, if warranted, pursuant only to the final results of this review.

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: March 14, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

(A-570-848)

Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On March 5, 2008 the United States Court of International Trade ("CIT") sustained the remand redetermination issued by the Department of Commerce ("the Department"), pursuant to the CIT's remand order, regarding the final results of the administrative review of the antidumping duty order on fresh water crawfish tail meat from the People's Republic of China. *See Crawfish Processors Alliance v. United States*, Slip Op. 08-27 (March 5, 2008) ("*Crawfish IP*"). This case arises out of the Department's final results in the administrative review covering the period September 1, 1999 - August 31, 2000. *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review, and Final Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 19546 (April 22, 2002) ("*Final Results*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *The Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that *Crawfish II* is not in harmony with the Department's Final Results.

EFFECTIVE DATE: March 20, 2008.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department

of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-0413.

SUPPLEMENTARY INFORMATION: On April 22, 2002 the Department determined that Fujian Pelagic Fishery Group Co. ("Fujian") and Pacific Coast Fisheries Corp. ("Pacific Coast") are not affiliated parties pursuant to section 771(33) of the Tariff Act of 1930, as amended ("the Act"). *See Final Results and accompanying Issues and Decision Memorandum at Comment 18.* In *Crawfish I*, the CIT found that "Fujian had not made an investment, whether in cash or in the form of a promissory note, in Pacific Coast and that Fujian did not exercise control over Pacific Coast." *See Crawfish Processors Alliance v. United States*, 343 F. Supp. 2d 1242, 1269 (Ct. Int'l Trade 2004) ("*Crawfish I*"). The CIT sustained the Department's determination that the two entities are not affiliated. *Id.* On appeal, the CAFC, holding that section 771(33)(E) of the Act "does not require a transfer of cash or merchandise to prove ownership or control of an organization's shares," found that Fujian put forth sufficient evidence to demonstrate that it directly or indirectly owned and controlled at least 5% of Pacific Coast's shares. *See Crawfish Processors Alliance v. United States*, 477 F.3d 1375, 1384 (Fed. Cir. 2007). The CAFC determined that substantial evidence did not support the Department's determination that Fujian and Pacific Coast are not affiliated and reversed the decision of the CIT in *Crawfish I*. *Id.* Consequently, as mandated by the Federal Circuit, the CIT remanded the *Final Results* to the Department to recalculate the dumping margin treating Fujian and Pacific Coast as affiliated parties. *See Crawfish Processors Alliance v. United States*, Slip Op. 07-156 (October 30, 2007). Thus, pursuant to the CIT's remand instructions, the Department treated Fujian and Pacific Coast as affiliated parties pursuant to section 771(33)(E) of the Act, and recalculated Fujian's dumping margin from 174.04% to 60.83%.

The Department released the *Draft Results of Redetermination Pursuant to Court Remand* ("*Draft Redetermination*") to the interested parties for comment on December 11, 2007. On December 18, 2007, in response to a request by Fujian, the Department granted parties an additional two days to submit comments on the *Draft Redetermination*. No party submitted comments by the December 20, 2007 deadline. On January 28, 2008 the Department filed its final results of

redetermination pursuant to Court remand with the CIT. *See Final Remand Results of Redetermination Pursuant to Court Remand*, Court No. 02-00376, (January 28, 2008) (“*Final Remand Redetermination*”). On March 5, 2008 the CIT sustained all aspects of the *Final Remand Redetermination*. *See Crawfish II*.

In its decision in *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not “in harmony” with a Department determination, and must suspend liquidation of entries pending a “conclusive” court decision. As a result of the Department’s treatment of Fujian and Pacific Coast as affiliated parties, the CIT’s decision in this case, on March 5, 2008, constitutes a final decision of the court that is not in harmony with the Department’s *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT’s ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to revise the cash deposit rates covering the subject merchandise.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: March 14, 2008.

David M. Spooner,
Assistant Secretary for Import
Administration.

[FR Doc. E8-5669 Filed 3-19-08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No.: 071213835-7836-01]

RIN: 0648-ZB84

Availability of Draft Guidelines for the Marine Debris Program Grant Program

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Request for Comments on Proposed Guidelines for NOAA’s Marine Debris Program Grant Program.

SUMMARY: NOAA’s Office of Response and Restoration, National Ocean

Service, is issuing guidelines to implement the Marine Debris Program (MDP) grant program. The MDP was created by the Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*) to coordinate, strengthen, and enhance the awareness of marine debris efforts within the agency and work with external partners to support research, prevention, and reduction activities related to the issue of marine debris. The NOAA MDP mission is to support a national and international effort focused on preventing, identifying and removing marine debris and to protect and protect our nation’s natural resources, oceans, and coastal waterways from the impacts of marine debris. Within the Act, the MDP is directed to develop formal guidelines for the implementation of a grant program and is seeking comments on the proposed grant program guidelines through this document.

DATES: The agency must receive comments concerning this document on or before April 21, 2008.

ADDRESSES: Please send your comments by e-mail to: NOAA.MarineDebris.FRNcomments@noaa.gov or by mail to: Sarah E. Morison, NOAA Marine Debris Program Coordinator, Office of Response and Restoration, N/ORR, SSMC4, 10th floor, 1305 East-West Highway, Silver Spring, MD, 20910.

FOR FURTHER INFORMATION CONTACT: Sarah E. Morison, Tel: 301-713-2989 x120 or by e-mail at: Sarah.Morison@NOAA.gov.

SUPPLEMENTARY INFORMATION: NOAA’s Marine Debris Program (MDP) serves as a centralized marine debris capability within NOAA in order to coordinate, strengthen, and increase the visibility of marine debris issues and efforts within the agency, its partners, and the public. The NOAA MDP mission is to support a national and international effort focused on preventing, identifying and removing marine debris and to protect and protect our nation’s natural resources, oceans, and coastal waterways from the impacts of marine debris. Additionally, the MDP supports and works closely with various partners across the U.S. to fulfill the Program’s mission. The proposed guidelines implementing the MDP’s grant program are set forth below.

Electronic Access

Information on the MDP can be found on the World Wide Web at: <http://marinedebris.noaa.gov>,

The proposed guidelines implementing the MDP grant program are set forth below.

NOAA MARINE Debris Program Grant Program Guidelines

Section 1. Goals and Objectives

The Marine Debris Research, Prevention, and Reduction Act (the Act) (33 U.S.C. 1951 *et seq.*) establishes a marine debris program within the National Oceanic and Atmospheric Administration (NOAA) to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation, through activities such as:

- Mapping, identification, impact assessment, removal, and prevention;
- Reducing and preventing loss of fishing gear; and
- Outreach.

The Act also directs the Administrator to provide financial assistance in the form of grants to accomplish the Act’s purpose of identifying, determining sources of, assessing, reducing, and preventing marine debris and its adverse impacts on the marine environment, living marine resources, and navigation safety.

The Act further directs the Administrator to issue guidelines for the implementation of the grant program, including development of criteria and priorities for grants, in consultation with the Interagency Marine Debris Coordinating Committee; regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act; state, regional, and local governmental entities with marine debris experience; marine-dependent industries; and nongovernmental organizations involved in marine debris research, prevention, and removal activities.

The grant program’s objective is to bring together groups, public and non-profit organizations, industry, academia, commercial organizations, corporations and businesses, youth conservation corps, students, landowners, and local governments, and state and Federal agencies to implement marine debris-related projects to support NOAA’s mission, “to understand and predict changes in Earth’s environment and conserve and manage coastal and marine resources to meet our Nation’s economic, social, and environmental needs.” These diverse entities will be sought at the national, state, and local level to contribute funding, technical assistance, workforce support or other in-kind services to allow citizens to take responsibility for the improvement of important, living marine resources, their habitats and other uses of the ocean that are impacted by marine debris.