

standards of 7 CFR 1412 to the extent they are not in conflict with the 2008 Farm Bill and this notice. With a few changes, the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246) (the 2008 Farm Bill) authorizes a continuation for the 2008 crop year of the Direct and Counter-cyclical Program authorized by the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) and set forth in regulations at 7 CFR 1412.

Section 1001 of the 2008 Farm Bill provides that the base acres and yields established by the 2002 Farm Bill that were in effect on September 30, 2007 will, with a few exceptions, constitute the base acres for the 2008 through 2012 crop years. The 2008 Farm Bill contains requirements for adjustments of base acres for various reasons including, but not limited to, land no longer being devoted to agricultural uses.

With respect to payment yields, the 2008 Farm Bill provides that the payment yields for direct and counter cyclical payments under the 2002 Farm Bill, as in effect on September 30, 2007, will be used. Section 1102 further requires the Secretary to establish a payment yield for direct and counter-cyclical payments for each farm for any designated oilseed or eligible pulse crop for which a payment yield was not established under the 2002 Farm Bill. For new yields, this will involve a determination of an average yield per planted acre for the designated oilseed or pulse crop on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted was zero. An adjustment to the payment yield will equal the product of the average yield and the ratio resulting from dividing the national average yield for the 1981 through 1985 crops by the national average for the 1998 through 2001 crops. If the yield for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield, then the Secretary will assign a yield equal to 75 percent of the county yield to determine the average.

Like with the 2002 Farm Bill, the 2008 Farm Bill sets forth certain requirements to which the participant must agree to be eligible for direct and counter-cyclical payments. Included in these requirements is the requirement to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices. These provisions will continue to be applicable in 2008.

One significant change in the 2008 Farm Bill that was not present in the 2002 Farm Bill, which will be implemented in 2008, relates to farms with small bases. A producer on a farm

may not receive DCP payments if the sum of the base acres of the farm is 10 acres or less. However, such prohibition does not apply to a farm that is wholly owned by socially disadvantaged or limited resource farmers or ranchers, as provided by Section 1101 of the 2008 Farm Bill. If the farm is owned by a legal entity, such as a corporation, each shareholder, partner, or member of the entity must be a socially disadvantaged or limited resource farmer or rancher. Effective with the date of publication of this notice, to be assured that producers on farms with base acres of 10 acres or less are prohibited from receiving payments as provided in the 2008 Farm Bill, Farm Service Agency County Committees (COC) will not approve requests for farm combination reconstitutions of farms having base acres of 10 acres or less if the request was received after the date of enactment of the 2008 Farm Bill (May 22, 2008). However, as an exception to the above rule, a farm with a total of 10 base acres or less may combine with another farm if one of the farms undergoes a change in land ownership. To qualify for this exception the owners of each of the farms participating in the new combination must be identical and have identical shares in both farms.

Subject to subsections (b) and (c) of section 1108 of the 2008 Farm Bill, for the purposes of determining the amount of the counter-cyclical payments to be paid to the producers on a farm for long grain rice and medium grain rice under section 1104 of the 2008 Farm Bill, base acres on the farm will be apportioned based on acreage planted to long grain rice and medium grain rice during the 2003-2006 crop years. Section 1108 requires that base acres, payment acres, and payment yields established with respect to rice under sections 1101 and 1102 be maintained. Although these provisions of the 2008 Farm Bill are effective for the 2008 crop year, because of administrative concerns related to the late date of enactment of the 2008 Farm Bill, these calculations cannot be accomplished at this time, as counter-cyclical payments are not anticipated for rice in 2008. This should have no impact. If the situation changes, measures will be taken to implement these provisions.

In response to concerns regarding the sharing of contract payments and various forms of cash and share leases (such as traditional cash leases, traditional share leases, and combination or flex leases that have features of both traditional cash and traditional share leases), an Advance Notice of Proposed Rulemaking was issued on September 28, 2007 (72 FR

55105-55108). Accordingly, regulations will be issued to clarify that for the purpose of determining payments made with respect to the 2009 through 2012 crop years, combination or flex leases will be viewed as cash leases.

The final enrollment date for 2008 DCP is September 30, 2008. A DCP contract not having all requisite signatures of producers having more than a zero share of DCP contract acreage on or before the enrollment deadline will not be considered submitted to CCC for any purpose and will not be acted on or approved. With respect to those contracts submitted by a producer on or before September 30, 2008, that were not signed by other producers on the farm, DCP payments will be issued only with respect to the producers who enrolled prior to September 30, 2008.

Accordingly, this notice announces that CCC will implement DCP provisions for the 2008 crop year based on the current regulation in 7 CFR 1412, Direct and Counter-cyclical Program except as otherwise noted in this Notice and as otherwise required by the 2008 Farm Bill.

Environmental Review

FSA has determined that this change would not constitute a major Federal action that would significantly affect the quality of the human environment. Therefore, in accordance with the 7 CFR 799, Environmental Quality and Related Environmental Concerns—Compliance with the National Environmental Policy Act, implementing the regulations of the Council on Environmental Quality (40 CFR 1500-1508), no environmental assessment or environmental impact statement will be prepared.

Signed at Washington, DC, on June 24, 2008.

Glen L. Keppy,

Acting Executive Vice President, Commodity Credit Corporation.

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DEPARTMENT OF COMMERCE

International Trade Administration

A-552-801

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Final Results and Partial Rescission of New Shipper Reviews

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

EFFECTIVE DATE: June 30, 2008.

FOR FURTHER INFORMATION CONTACT: Julia Hancock, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1394.

SUPPLEMENTARY INFORMATION:

Case History

On February 1, 2008, the Department of Commerce (the “Department”) published in the *Federal Register* the preliminary results of these new shipper reviews of the antidumping duty order (“Order”) on certain frozen fish fillets from the Socialist Republic of Vietnam (“Vietnam”). See *Certain Frozen Fish Fillets From the Socialist Republic of Vietnam: Partial Rescission and Preliminary Results of the First New Shipper Reviews*, 73 FR 6119 (February 1, 2008) (“*Preliminary Results*”); *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003) (“*Order*”). The *Preliminary Results* were announced to interested parties on January 22, 2008. Since the *Preliminary Results*, the following events have occurred.

On January 30, 2008, Vinh Quang Fisheries Co., Ltd. (“Vinh Quang”) filed comments on the Department’s preliminary rescission of Vinh Quang/New Century’s¹ new shipper review. Additionally, on February 12, 2008, the Catfish Farmers of America (“Petitioners”) submitted rebuttal comments regarding Vinh Quang/New Century’s preliminary results comments. On February 13, 2008, Vinh Quang/New Century submitted rebuttal comments to Petitioners’ February 12, 2008, letter. On February 28, 2008, the Department issued a memorandum regarding its analysis of the post-preliminary results of Vinh Quang/New Century. In the post-preliminary results memorandum, the Department reversed its preliminary decision to rescind the new shipper review for Vinh Quang/New Century and calculated an antidumping duty margin for Vinh Quang/New Century for purposes of providing all parties an opportunity to comment on a calculated antidumping duty margin prior to the final results. See Memorandum to the File, through

¹ In the *Preliminary Results*, we found that Vinh Quang and New Century Trading Company (“New Century”) should be treated as a single entity for purposes of this new shipper review. No party has challenged this for the final results and we will continue to treat Vinh Quang/New Century as a single entity for the final results, pursuant to 19 CFR 351.401(f). Accordingly, for the entirety of this notice, Vinh Quang and New Century will be known as “Vinh Quang/New Century.”

James C. Doyle, Director, Office 9, and Alex Villanueva, Program Manager, Office 9, from Julia Hancock, Senior Analyst, Office 9, Subject: Post-Preliminary Results Analysis of Vinh Quang/New Century” (February 28, 2008) (“VQ Post-Prelim Rescission Memo”).

On April 10, 2008, Petitioners, Anvifish Co., Ltd. (“Anvifish”), Ngoc Thai Company, Ltd. (“Ngoc Thai”), and Vinh Quang/New Century submitted case briefs. Also on April 15, 2008, Petitioners, Anvifish, and Vinh Quang/New Century submitted rebuttal briefs. On May 20, 2008, the Department extended the time limit for completion of the final results of these new shipper reviews by 60 days. See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limit for Final Results of the New Shipper Reviews*, 73 FR 29111 (May 20, 2008).

Period of Review

The period of review (“POR”) is August 1, 2006, through January 31, 2007.

Scope of the Order

The product covered by this order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact (“regular” fillets), boneless fillets with the belly flap removed (“shank” fillets), boneless shank fillets cut into strips (“fillet strips/finger”), which include fillets cut into strips, chunks, blocks, skewers, or any other shape. Specifically excluded from the scope are frozen whole fish (whether or not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in, cross-section cuts of dressed fish. Nuggets are the belly-flaps.

The subject merchandise will be hereinafter referred to as frozen “basa” and “tra” fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under tariff article codes 1604.19.4000, 1604.19.5000, 0305.59.4000, 0304.29.6033 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the Harmonized Tariff Schedule of the

United States (“HTSUS”).² This order covers all frozen fish fillets meeting the above specification, regardless of tariff classification. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Final Partial Rescission

In the *Preliminary Results*, the Department preliminarily rescinded this review with respect to Ngoc Thai. The Department found in the *Preliminary Results* that Ngoc Thai was affiliated and should be treated as a single entity with Thai Tan Seafood Company (“Thai Tan”), Ngoc Thu Company, Ltd. (“Ngoc Thu”), and Kim Anh Company (“Kim Anh”) (collectively, the “Kim Anh Group”), pursuant to section 771(33) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR 351.401(f)(1); see Memorandum to James C. Doyle, Director, Office 9, through Alex Villanueva, Program Manager, Office 9, from Michael Holton, Senior Case Analyst, Subject: New Shipper Review of the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Affiliation and Collapsing of Ngoc Thai Company Ltd., (January 22, 2008) (“Ngoc Thai Affiliation Memo”). Because the Department found that the Kim Anh Group, including Ngoc Thai, is a single entity, the Department preliminarily rescinded the new shipper review of Ngoc Thai because as a single entity the Kim Anh Group shipped subject merchandise over a year prior to the POR of this new shipper review. See Ngoc Thai Affiliation Memo.

We received comments with respect to our preliminary decision to rescind the new shipper review for Ngoc Thai. The Department continues to find that the deadline for requesting a new shipper review of the Kim Anh Group’s first entry of subject merchandise had passed, pursuant to 19 CFR 351.214(b)(2)(iv)(A) and 19 CFR 351.214(c). Accordingly, the Department continues to find that the Kim Anh Group’s request for a new shipper review of Ngoc Thai was untimely, pursuant to 19 CFR 351.214(b)(2)(iv)(A) and 19 CFR 351.214(c). See Comment 7 of the “Issues and Decision Memorandum for the Final Results and

² Until July 1, 2004, these products were classifiable under tariff article codes 0304.20.60.30 (Frozen Catfish Fillets), 0304.20.60.96 (Frozen Fish Fillets, NESOI), 0304.20.60.43 (Frozen Freshwater Fish Fillets) and 0304.20.60.57 (Frozen Sole Fillets) of the HTSUS. Until February 1, 2007, these products were classifiable under tariff article code 0304.20.60.33 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the HTSUS.

Partial Rescission of the First New Shipper Review: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam” (“Issues and Decision Memorandum”) accompanying this notice for a detailed discussion of our decision with respect to Ngoc Thai. Because the Kim Anh Group shipped subject merchandise over a year prior to the POR of this new shipper review, the Department is rescinding Ngoc Thai’s new shipper review. See 19 CFR 351.214(c).

Separate Rates

In the *Preliminary Results*, we determined that one new shipper, Anvifish, met the criteria for the assignment of a separate rate. See *Preliminary Results*, 73 FR at 6123. Additionally, in the VQ Post–Prelim Rescission Memo, where we reversed our preliminary decision to rescind the new shipper review for Vinh Quang/New Century, we also determined that Vinh Quang/New Century met the criteria for the assignment of a separate rate. See Memorandum to the File, through Alex Villanueva, Program Manager, from Julia Hancock, Senior Analyst, Subject: 1st New Shipper Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Analysis for Vinh Quang Fisheries Corporation (“Vinh Quang”) (February 28, 2008) at 10–12 (“Vinh Quang Post–Prelim Analysis Memo”). The Department received no comments on these issues, and we did not receive any further information since the issuance of the *Preliminary Results* and the VQ Post–Prelim Analysis Memo that provides a basis for the reconsideration of these determinations.

Additionally, as discussed above, the Department is not performing a separate rate analysis to determine whether the other new shipper, Ngoc Thai, is eligible for a separate rate for the final results because the Department is rescinding Ngoc Thai’s request for a new shipper review. See 19 CFR 351.214(c).

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding and to which we have responded are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. Parties can find a complete discussion of the issues raised in this administrative review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit (“CRU”), Room 1117 of the main Department building. In addition, a copy of the Issues and

Decision Memorandum can be accessed directly on our website at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record as well as comments received from parties regarding our *Preliminary Results*, we have made revisions to the margin calculations for Anvifish and Vinh Quang for the final results. For all changes to the calculations for Anvifish and Vinh Quang/New Century, see the Issues and Decision Memorandum and the company–specific analysis memoranda.

Final Results of Review

We determine that the following weighted–average dumping margins exist for the period August 1, 2006, through January 31, 2007:

CERTAIN FROZEN FISH FILLETS FROM VIETNAM

Manufacturer/Exporter	Weighted–Average Margin (Percent)
Anvifish	31.68
Vinh Quang/New Century/New Century	15.38

Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries on a per–unit basis.³ The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. For assessment purposes, where possible, we calculated importer–specific per–unit duty assessment rates for subject merchandise from Vietnam. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

Cash Deposit Requirements

The following cash–deposit requirements will be effective upon publication of the final results of these

³ We divided the total dumping margins (calculated as the difference between normal value (“NV”) and export price or constructed export price) for each importer by the total quantity of subject merchandise sold to that importer during the POR to calculate a per–unit assessment amount. We will direct CBP to assess importer–specific assessment rates based on the resulting per–unit (*i.e.*, per–kilogram) rates by the weight in kilograms of each entry of the subject merchandise during the POR.

new shipper reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for subject merchandise produced and exported by Anvifish, or produced and exported by Vinh Quang/New Century, the cash deposit rate will be the company–specific rate show above (except that if the rate for a particular company is *de minimis*, *i.e.*, less than 0.5 percent, no cash deposit will be required for that company); (2) for subject merchandise exported by Anvifish but not manufactured by Anvifish, and for subject merchandise exported by Vinh Quang/New Century but not manufactured by Vinh Quang/New Century, the cash deposit rate will continue to be the Vietnam–wide rate (*i.e.*, 63.88 percent); and (3) for subject merchandise manufactured by Anvifish or Vinh Quang/New Century, but exported by any other party, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirement will remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department’s presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (“APO”) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 administrative review and notice in accordance with sections 751(a)(2)(B), and 777(i)(1) of the Act and 19 CFR 351.214(h)(i).

Dated: June 20, 2008.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

Appendix I

General Issues

Comment 1: Surrogate Financial Ratios

A. Apex Foods Limited and Bionic

B. Adequate Notice

Comment 2: Clerical Error and Inflation

Comment 3: Fish Waste Surrogate Value

Comment 4: Whole Live Fish Surrogate Value

Comment 5: Conversion of Surrogate Values

Company-Specific Issues

Comment 6: Ving Quang

A. Rescission of Vinh Quang

B. *Bona Fide* Nature of Vinh Quang's Sale

C. U.S. Inland Freight

Comment 7: Anvifish

A. Basis of U.S. Sales

B. *Bona Fide* Nature of Anvifish's Sale

C. Deduction of By-products

Comment 8: Rescission of Ngoc Thai

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Announcement of Chesapeake Bay Maryland National Estuarine Research Reserve Revised Management Plan Including a Boundary Expansion

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Approval and Availability of the Final Revised Management Plan for the Chesapeake Bay Maryland National Estuarine Research Reserve.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce has approved the revised management plan, which includes an expansion of the boundary of the reserve, for the Chesapeake Bay Maryland National Estuarine Research Reserve.

The Chesapeake Bay Maryland National Estuarine Research Reserve has three sites: Monie Bay, Jug Bay, and

Otter Point Creek. Monie Bay was designated as part of the National Estuarine Research Reserve in 1985 and Jug Bay and Otter Point Creek were designated in 1990 pursuant to Section 315 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1461. The reserve has been operating under a management plan approved in 1990. Pursuant to 15 CFR Section 921.33(c), a state must revise their management plan every five years. The submission of this plan brings the reserve into compliance and sets a course for successful implementation of the goals and objectives of the reserve. A boundary expansion, new facilities, and updated programmatic objectives are notable revisions to the 1990 approved management plan.

The revised management plan outlines the administrative structure; the education, stewardship, and research goals of the reserve; and the plans for future land acquisition and facility development to support reserve operations. Since 1990, the reserve has added a coastal training program that delivers science-based information to key decision makers in the Chesapeake Bay. The reserve has realized many aspects of the 1990 plan, including the completion of the Anita C. Leight Center in Harford County. This facility provides classrooms, lab space, exhibit space and office space and has allowed the implementation of research, education and volunteer activity at the Otter Point Creek component of the reserve.

This management plan calls for a boundary expansion at two reserve sites: 1,345 acres are incorporated into the Jug Bay component site and approximately 32 acres will be incorporated into the Otter Point Creek site. The Otter Point Creek component will expand its land area from 443 to 475 acres. The land increase consists of two forested parcels adjacent to the current boundary that will serve as a buffer for core estuarine habitat and will also provide an important access point for monitoring and education programming. The expansion at Jug Bay includes land on both sides of the Patuxent River, increasing the acreage of this site from 491 to 1,836. The original boundary for this component site included a portion of the county-owned parks. This expansion incorporates a larger portion of those parks to become designated as part of the National Estuarine Research Reserves. West of the Patuxent River, the reserve will add 455 acres of wetlands and buffer lands that will enhance the protection of core reserve lands and will enhance the research and monitoring. East of the Patuxent River,

the reserve will be expanded by 890 acres to increase the level of protection surrounding the river and expand the area available for reserve programming.

FOR FURTHER INFORMATION CONTACT: Michael Migliori at (301) 563-1126 or Laurie McGilvray at (301) 563-1158 of NOAA's National Ocean Service, Estuarine Reserves Division, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910. For copies of the Chesapeake Bay Management Plan revision, visit <http://www.dnr.state.md.us/bay/cbnerr/>.

Dated: June 12, 2008.

David M. Kennedy,

Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648-XI70

Gulf of Mexico Fishery Management Council; Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public hearings on Reef Fish Amendment 29, Spiny Lobster and Aquaculture Amendment.

DATES: The public hearings will held from July 21 - 31, 2008 at 10 locations throughout the Gulf of Mexico. For specific dates, times and subjects, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The public hearings will be held in the following locations: Galveston, TX, New Orleans, LA, Biloxi, MS, Orange Beach, AL, Ft. Myers, Key West, Marathon, Miami, Tampa and Panama City, FL. For specific dates, times and subjects, see **SUPPLEMENTARY INFORMATION**.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Assane Diagne, Economist; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) has scheduled a series of public hearings on Reef Fish Amendment 29, Spiny Lobster and