

Since the publication of the *Preliminary Determination*, no interested parties have commented on our application of adverse facts available with respect to the LTFV determination. Accordingly, for the final determination, we continue to use the highest margin stated in the notice of initiation for DNP and UC. The "All Others" rate remains unchanged as well.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this investigation are addressed in the "Issues and Decision Memorandum for the Final Results of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances: Wax and Wax/Resin Thermal Transfer Ribbons from Japan" from Joseph Spetrini to James J. Jochum (March 1, 2004) (Decision Memo), which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the Decision Memo is attached to this notice as an Appendix. The Decision Memo is a public document and is on file in the Central Records Unit, Main Commerce Building, Room B-099, and is accessible on the Web at [www.ia.ita.doc.gov](http://www.ia.ita.doc.gov).

#### Final Critical Circumstances Determination

On November 26, 2003 the petitioner in this investigation, International Imaging Materials Inc. (IIMAK), submitted an allegation of critical circumstances with respect to imports of wax and wax/resin thermal transfer ribbons from Japan. On December 22, 2003, the Department issued its *Preliminary Determination* that it had reason to believe or suspect critical circumstances exist with respect to imports of TTR from Japan. *See Preliminary Determination*, 68 FR at 71074-76. We now find that critical circumstances exist for imports of wax and wax/resin thermal transfer ribbons from Japan. *See* Decision Memo at Comment 2.

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing CBP to continue to suspend liquidation of all entries of subject merchandise from Japan, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of the *Preliminary Determination* for "all other" Japanese exporters. The Department will direct CBP to suspend liquidation of all entries of TTR from Japan that are entered, or withdrawn from warehouse, on or after

90 days before the date of publication of the *Preliminary Determination* for DNP and UC. CBP shall continue to require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. This suspension of liquidation instructions will remain in effect until further notice.

We determine that the following dumping margins exist for the POI:

Manufacturer/exporter	Margin (percent)
DNP .....	147.30
UC .....	147.30
All Others .....	106.60

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. The ITC will determine, within 45 days, whether imports of subject merchandise from Japan are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, this proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/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.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: March 1, 2004.

**James J. Jochum,**  
Assistant Secretary for Import Administration.

#### APPENDIX

##### List of Issues

1. Country of Origin
2. Critical Circumstances

[FR Doc. 04-5655 Filed 3-11-04; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

##### Export Trade Certificate of Review

**ACTION:** Notice of issuance of an Export Trade Certificate of Review, Application No. 03-00008.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to the California Pistachio Export Council, LLC ("CPEC"). This notice summarizes the conduct for which certification has been granted.

##### FOR FURTHER INFORMATION CONTACT:

Jeffrey C. Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number), or by E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2003).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the certification in the *Federal Register*. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Certified Conduct

##### Export Trade

##### 1. Products

California in-shell and shelled pistachios, raw and roasted, in all forms.

##### 2. Export Trade Facilitation Services (as They Relate to the Export of Products)

All export trade-related facilitation services, including but not limited to: Development of trade strategy; sales, marketing, and distribution; foreign market development; promotion; and all aspects of foreign sales transactions, including export brokerage, freight forwarding, transportation, insurance, billing, collection, trade documentation, and foreign exchange; customs, duties, and taxes; and inspection and quality control.

### Export Markets

The Export Markets include all parts of the world except the United States (the 50 states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

### Export Trade Activities and Methods of Operation

1. CPEC and/or one or more of its Members, including through Export Intermediaries (to the extent provided in section 1.g) may:

a. *Export Sales Price.* Establish sales price, minimum sales price, target sales price and/or minimum target sales price, and other terms of sale in the Export Markets;

b. *Marketing and Distribution.* Conduct marketing and distribution of Products in the Export Markets;

c. *Promotion.* Conduct joint promotion of Products in the Export Markets;

d. *Quantities.* Agree on quantities of Products to be sold in the Export Markets, provided each Member shall be required to dedicate only such quantity or quantities as each such Member shall independently determine. CPEC shall not require any Member to export a minimum quantity;

e. *Market and Customer Allocation.* Allocate geographic areas or countries in the Export Markets and/or customers in the Export Markets among Members;

f. *Refusals to Deal.* Refuse to quote prices for Products, or to market or sell Products, to or for any customers in the Export Markets, or any countries or geographical areas in the Export Markets;

g. *Exclusive and Nonexclusive Export Intermediaries.* Enter into exclusive and nonexclusive agreements appointing one or more Export Intermediaries for the sale of Products with price, quantity, territorial and/or customer restrictions as provided in sections 1.a through 1.f, inclusive, above;

h. *Non-Member Activities.* Purchase Products from non-Members to fulfill specific sales obligations in the Export Markets, provided that CPEC and/or its Members shall make such purchases only on a transaction-by-transaction basis and when the Members are unable to supply, in a timely manner, the requisite Products at a price competitive under the circumstances. Such purchases shall be made through a third party broker, and neither CPEC nor any Member shall directly contact any non-Member supplier in connection with

such purchases. In no event shall a non-Member supplier be included in any deliberations concerning any Export Trade Activities; and

i. *Transportation Activities.* Negotiate favorable transportation rates (volume discounts) and consolidate shipments to or within the Export Markets.

2. CPEC and its Members may exchange and discuss the following information:

a. Information about sales and marketing efforts for the Export Markets, activities and opportunities for sales of Products in the Export Markets, selling strategies for the Export Markets, sales for the Export Markets, contract and spot pricing in the Export Markets, projected demands in the Export Markets for Products, customary terms of sale in the Export Markets, prices and availability of Products from competitors for sale in the Export Markets, and specifications for Products by customers in the Export Markets;

b. Information about the price, quality, source, and delivery dates of Products available from the Members to export;

c. Information about terms and conditions of contracts for sale in the Export Markets to be considered and/or bid on by CPEC and its Members;

d. Information about joint bidding or selling arrangements for the Export Markets;

e. Information about expenses specific to exporting to and within the Export Markets, including without limitation, transportation, trans- or intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

f. Information about U.S. and foreign legislation and regulations, including federal marketing order programs, affecting sales for the Export Markets;

g. Information about CPEC or its Members' export operations, including without limitation, sales and distribution networks established by CPEC or its Members in the Export Markets, and prior or current export sales by individual Members (including export price information); and

h. Information about export customer credit terms and credit history.

3. CPEC and its Members may meet to engage in the activities described in paragraphs 1 and 2 above.

4. CPEC may, on a transaction by transaction basis, join with any or all of the Members to bid for the sale of, and to sell, Products to the Export Markets.

5. On a transaction by transaction basis, for the purposes of allocating export quantities, the quantity that CPEC and/or one or more of its

Members will commit to the sale will be determined in the following manner:

a. CPEC and the participating Member(s) or non-Member(s) will, without prior consultation, provide above-described quantity data to an Independent Third Party.

b. The Independent Third Party will independently incorporate such information into the joint sales or bid agreement. For the purposes of this provision, "independently" means that the Independent Third Party will not disclose the information obtained from CPEC to another Member, non-Member and/or CPEC.

c. Neither CPEC nor any participating Member shall intentionally obtain the information described in 5(a) above from the Independent Third Party.

### Definitions

1. "Export Intermediary" means a person (including a Member) who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing, or arranging for, the provision of Export Trade Facilitation Services.

2. "Independent Third Party" shall mean any individual, partnership, corporation (public or non-public) or other entity (hereinafter referred to as "entity"), or any representative thereof, that is not an officer, director, principal, affiliate, subsidiary or employee of CPEC or any entity that grows, processes, packs, or handles Products.

3. "Member" means a person who has membership in the CPEC Export Trade Certificate of Review and who has been certified as a "Member" within the meaning of section 325.2(l) of the Regulations (15 CFR 325.2(l) (2003), (currently as set out in Attachment A and incorporated by reference).

A copy of this certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: March 8, 2004.

**Jeffrey C. Anspacher,**  
Director, Office of Export Trading Company Affairs.

### Attachment A

Members (within the meaning of section 325.2(l) of the Regulations):  
A&P Growers Cooperative, Inc.  
Gold Coast Pistachios, Inc.  
Keenan Farms, Inc.  
Monarch Nut Company  
Nichols Pistachio  
Primex Farms, LLC

Setton Pistachio of Terra Bella, Inc.

[FR Doc. 04-5582 Filed 3-11-04; 8:45 am]

BILLING CODE 3510-DR-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Notice of Government Owned Invention Available for Nonexclusive Licensing

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of Government owned invention available for nonexclusive licensing.

**SUMMARY:** The invention listed below is owned in whole by the U.S. Government, as represented by the Department of Commerce. The invention is available for nonexclusive licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development.

**FOR FURTHER INFORMATION CONTACT:** Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Attn: Mary Clague, Building 820, Room 213, Gaithersburg, MD 20899. Information is also available via telephone: 301-975-4188, fax 301-869-2751, or e-mail: [mary.clague@nist.gov](mailto:mary.clague@nist.gov). Any request for information should include the NIST Docket number and title for the invention as indicated below.

**SUPPLEMENTARY INFORMATION:** NIST may enter into a Cooperative Research and Development Agreement ("CRADA") with the licensee to perform further research on the invention for purposes of commercialization. The invention available for nonexclusive licensing is:

#### NIST Docket Number: 00-028US

**Title:** Suspended Dry-Dock Platform.

**Abstract:** A cable-supported platform that can precisely manipulate workers, tools/equipment and loads using position, velocity and force control modes. The platform uses six cables that attach to four support points on towers, walls or other structural supports so as to provide constraint and control of the suspended platform. The cable lengths can be independently controlled by hoist drive-mechanisms and coordinated to achieve intuitive platform movement in all six degrees-of-freedom (side-to-side, forward-and-back, up-and-down, and all three rotations

about these motions: roll, pitch and yaw). The platform, consisting of servo components (*i.e.*, hoist, amplifier, servo interface, sensory feedback), can be rapidly reconfigured to adjust to new applications. Initial applications address worker/equipment access challenges in dry dock ship and submarine repair and conversion. It can also be used for construction, high bays, and dam repair and maintenance. Various combinations of manual and automatic control can also be implemented. The hoists can be controlled manually by a multi-axis joystick, or can be automatically controlled by a computer.

Dated: March 5, 2004.

**Hratch G. Semerjian,**  
*Acting Director.*

[FR Doc. 04-5665 Filed 3-11-04; 8:45 am]

BILLING CODE 3510-13-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Correction

Accordingly, in Column 3, under the heading "Meeting Dates, Times, and Locations," in line 4, remove the following text "Alaska local time (ALT)" and replace it with the following: "Pacific local time", and in line 9, remove the following text "ALT" and replace it with the following: "Alaska local time (ALT)".

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: March 8, 2004.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 04-5700 Filed 3-11-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030404E]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notice of availability and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has prepared a draft Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) of the impacts on the human environment of the potential issuance of an enhancement permit authorizing take of listed chinook salmon in Johnson Creek, a tributary of the East Fork South Fork Salmon River in Idaho, associated with the operation of an artificial propagation program. The objectives of the program, which would be operated by the Nez Perce Tribe, are to conduct artificial propagation and research activities to enhance the propagation and survival of the population of naturally spawning summer chinook salmon in Johnson Creek, which are listed under the Endangered Species Act (ESA) as part of the threatened Snake River spring/summer chinook salmon Evolutionarily Significant Unit (ESU). This document serves to notify the public of the availability of the draft EA for review and comment before a final decision on whether to issue a Finding of No Significant Impact is made by NMFS.

**DATES:** Written comments on the draft EA must be received at the appropriate address or fax number (see **ADDRESSES**)

#### Groundfish Fisheries of the Bering Sea and Aleutian Islands (BSAI) Area and the Gulf of Alaska, King and Tanner Crab Fisheries in the BSAI, Scallop and Salmon Fisheries off the Coast of Alaska; Correction

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

**ACTION:** Correction to a notice.

**SUMMARY:** This document corrects a March 5, 2004, notice of public meetings for the Draft Environmental Impact Statement (DEIS) for Essential Fish Habitat (EFH) Identification and Conservation in Alaska. This action is necessary to correct an error in the meeting time for the Seattle, Washington, meeting.

**DATES:** Effective March 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mary B. Goode, (907) 586-7636.

**SUPPLEMENTARY INFORMATION:** NMFS published a notice announcing public meetings during the DEIS's comment period on March 5, 2004 (69 FR 190428), FR Doc. 04-5019. Meetings will be held in three locations: Seattle, WA, Anchorage, AK, and Juneau, AK. The notice erroneously announced times for the Seattle meeting as Alaska local time, rather than Pacific local time. This action corrects this error.