

*Certain In-Shell Raw Pistachios From Iran*, 68 FR 353 at 354 (January 3, 2003); and *Certain Forged Stainless Steel Flanges From India: Final Results of Antidumping Duty New Shipper Review*, 68 FR 351 (January 3, 2003). The Department has determined that a combination rate is appropriate in this case, as Golden Banyan is both the producer and exporter of the subject merchandise. Therefore, the Department will include in its cash deposit instructions to U.S. Customs and Border Protection (CBP) appropriate language to enforce these final results of new shipper review on the basis of a combination rate involving Golden Banyan as both the producer and exporter of the subject merchandise.

#### Final Results of Review

The Department has determined that the following margin exists for the period February 1, 2007, through February 29, 2008:

Exporter/Manufacturer	Weighted-Average Margin (Percentage)
Fujian Golden Banyan Foodstuffs Industrial Co., Ltd. ....	0.00

#### Assessment Rates

Pursuant to these final results, the Department determined, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions for Golden Banyan to CBP 15 days after the date of publication of these final results of new shipper review. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific (or customer) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific (or customer) assessment rate calculated in the final results of this review is above *de minimis*.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of the new shipper review for all shipments of subject merchandise by Golden Banyan under its new name Fujian Golden Banyan Foodstuffs Industrial Co., Ltd. (Golden Banyan), entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act

of 1930, as amended (the Act): (1) for subject merchandise produced and exported by Golden Banyan, the cash deposit rate will be zero; (2) for subject merchandise exported by Golden Banyan, but not manufactured by Golden Banyan, the cash deposit rate will continue to be the PRC-wide rate (*i.e.*, 198.63 percent); and (3) for subject merchandise manufactured by Golden Banyan, but exported by any party other than Golden Banyan, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements 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 Secretary's presumption that reimbursement of antidumping duties 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.

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act and 19 CFR 351.214(h).

Dated: December 3, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

RIN 0648-XM16

##### Marine Mammals; File No. 13927

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Associated Scientists at Woods Hole (ASWH) (Dr. James Hain, Principal Investigator), Box 721, Woods Hole, MA 02543, has applied in due form for a permit to conduct research on North Atlantic right whales (*Eubalaena glacialis*) and other cetacean species.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before January 9, 2009.

**ADDRESSES:** The application and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFSPR1Comments@noaa.gov](mailto:NMFSPR1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 13927.

#### FOR FURTHER INFORMATION CONTACT:

Carrie Hubard or Amy Hapeman, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is 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).

ASWH requests a five-year permit to conduct scientific research focusing primarily on North Atlantic right whales, with a secondary focus on humpback (*Megaptera novaeangliae*) and fin (*Balaenoptera physalus*) whales. The purposes of the right whale research include: (1) to improve knowledge of right whale habitat utilization; (2) to monitor the population in a portion of the southeast U.S. right whale critical habitat; (3) to contribute to the right whale photo-identification catalog; (4) to characterize the shallow water acoustic environment and right whale vocalizations; and (5) to examine sightability from different types of platforms. The feeding behavior of right, fin, and humpback whales would also be studied using aerial platforms.

The main study areas are the waters off northeast Florida in December through April and the waters off Cape Cod, MA in the summer months. Research could occur year round in Atlantic waters from Maine to Florida. The majority of the research would involve aerial surveys conducted from a variety of platforms, including airplanes, blimps, and aerostats. A maximum of 50 fin and 50 humpback whales could be harassed annually during aerial surveys. Seventy-five right whales may be harassed annually during aerial surveys. Twenty other cetacean species, including endangered sperm (*Physeter macrocephalus*), sei (*Balaenoptera acutorostrata*), and blue (*Balaenoptera musculus*) whales, may be incidentally harassed during aerial surveys. Two pinniped species and four species of sea turtles (loggerhead (*Caretta caretta*), leatherback (*Dermochelys coriacea*), Kemp's ridley (*Lepidochelys kempi*), green (*Chelonia mydas*)) may also be incidentally harassed as a result of aerial surveys.

Vessel surveys would also be conducted in U.S. southeast waters. Close approaches to right whales would be made to collect photo-identification, behavioral and passive acoustic data. ASWH proposes to use both motorized (10 right whales harassed annually) and non-motorized (i.e., kayaks) (5 right

whales harassed annually) vessels in their research.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 4, 2008.

**P. Michael Payne,**

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E8–29204 Filed 12–9–08; 8:45 am]

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## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Cancellation of Electronic Visa Information System (ELVIS) Requirements for Textiles and Textile Products Produced or Manufactured in The People's Republic of China and Exported on and after January 1, 2009

December 5, 2008.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner, Bureau of Customs and Border Protection canceling all previous directives concerning ELVIS requirements for China.

**EFFECTIVE DATE:** January 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Bureau of Customs and Border Protection website (<http://www.cbp.gov>), or call (202) 863–6560. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

This directive cancels the ELVIS requirement for goods exported from China on and after January 1, 2009. The ELVIS requirement and quota requirements will continue to remain in effect until further notice for goods exported from China prior to January 1, 2009, even if entered in 2009. This action is consistent with the terms of the bilateral agreement on textiles and apparel between the Governments of the United States of America and the

People's Republic of China that was signed on November 8, 2005.

In the letter below, CITA is directing the Bureau of Customs and Border Protection to cancel all ELVIS requirements for goods exported from China on and after January 1, 2009.

**Janet E. Heinzen,**

Acting Chairman, Committee for the Implementation of Textile Agreements.

#### Committee for the Implementation of Textile Agreements

December 5, 2008.

Commissioner,  
Bureau of Customs and Border Protection,  
Washington, D.C. 20229.

Dear Commissioner: This directive cancels all previous directives concerning requirements for ELVIS transmissions, issued to you by the Chairman, Committee for the Implementation of Textile Agreements, effective for goods exported from China on and after January 1, 2009.

However, the ELVIS requirement and quota requirements will continue to remain in effect until further notice for goods exported from China prior to January 1, 2009, even if entered in 2009.

The Committee for the Implementation of Textile Agreement has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Janet E. Heinzen,  
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. E8–29211 Filed 12–9–08; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Intent To Grant an Exclusive Patent License

**SUMMARY:** Pursuant to the provisions of 37 CFR 404.4, which implements Public Law 96–517, as amended, the Department of the Air Force announces its intention to grant to EMTEC, a non-profit member based organization registered in Ohio, having a place of business at 3155 Research Blvd., Dayton, Ohio 45420, an exclusive license in any right, title, and interest the Air Force has in the invention described in: Air Force invention number AFD 881, entitled *Light Emitting Diode with a Deoxyribonucleic Acid (DNA) Biopolymer Phosphor Based Coating for Solid State Lighting Object*.

**FOR FURTHER INFORMATION:** License for this invention will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force