

prices below unaffiliated sales prices, that we believe would distort dumping calculations. This is because such tests typically are much more conservative about what constitutes an outlier than is appropriate in an antidumping context. While we might use more restrictive versions of such tests than are normally applied in other contexts, this would likely reduce the statistical credibility of the tests. In addition, applying such tests in situations involving multiple products would significantly complicate the Department's analysis.

- Broader-band test with an additional requirement for overall affiliated party sales.

This test would allow for a broader band of sales to individual affiliates to pass the arm's-length test *provided* the Department finds that, in the aggregate, the respondent sells to affiliated and unaffiliated parties at comparable price levels. Under this two-part test, sales to an individual affiliate priced on average at, for instance, 95 percent of prices to unaffiliated parties might be found to be within the ordinary course of trade if we determine that the company's overall sales to affiliates are not systematically lower than prices to nonaffiliates. This would address manipulation concerns regarding companies that price to affiliates generally at the low end of the band. In essence, a company that sells to some affiliates at 95 percent of unaffiliated prices would have to sell to other affiliates at prices higher than unaffiliated prices in order to demonstrate that its overall sales prices to affiliated and unaffiliated parties are comparable. In order to adhere to the WTO's "even-handedness" requirement, the test would include higher-priced sales to an individual affiliate (e.g., prices at 105 percent of unaffiliated prices) only if it is found that the company does not systematically price to affiliates at levels higher than nonaffiliates.

Problems with such an approach would include determining how the second part of the test should be structured to demonstrate whether overall sales to affiliates were "comparable" to those to unaffiliated parties. This would likely involve a second, narrower-band test applied to affiliated party sales in the aggregate.

- "Quantity-cushion" test.

Unlike the previous tests, this one would include or exclude sales to affiliates on the basis of a comparison of the quantity of merchandise sold to an affiliate to the quantity sold to unaffiliated customers at prices *at or below* the price to the affiliate and to the quantity sold to unaffiliated customers at prices *at or above* the price to the

affiliate. Thus, sales to an affiliate could be considered "in the ordinary course of trade" and used in the normal value calculation only if there were a sufficient "cushion" of sales to unaffiliated parties priced *below* the average price to the affiliate, and a similar "cushion" of sales to unaffiliated parties priced *above* the average price to the affiliate. The primary concerns with this test were its complexity, calibrating the appropriate "cushion" size, determining how to apply the test by affiliate and whether it would be better applied to all affiliates combined by product, and questions as to whether this might not be an overly narrow definition of the "normal" price range of sales to affiliated parties.

#### Timetable

After considering all comments received, the Department intends to publish in the **Federal Register** a final notice of the new arm's-length methodology. *See* section 123(g)(1)(F) of the URAA (19 U.S.C. 3533(g)(1)(F)). This new methodology will address the objectives described above. In accordance with section 129(b) of the URAA (19 U.S.C. 3538(b)), this methodology will be utilized to prepare an amended final determination in the Japan Hot-Rolled investigation. In accordance with section 129(c)(1) of the URAA (19 U.S.C. 3538(c)(1)), this amended final determination will establish new cash deposit rates for all producers for whom the investigation rates are still applicable and will apply with respect to unliquidated entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date on which the United States Trade Representative directs the Department to implement the amended final determination. With respect to other proceedings and other segments of the Japan hot-rolled proceeding, the new methodology will be applied in all reviews initiated on the basis of requests received on or after the first day of the month following the date of publication of the Department's final notice of the new arm's-length methodology, all investigations and other segments of proceedings initiated on the basis of petitions filed or requests made on or after such publication date, and all segments of proceedings self-initiated on or after such publication date.

#### Comments—Format

Parties wishing to comment should submit a signed original and six copies of each set of comments, including reasons for any recommendations, along

with a cover letter identifying the commenter's name and address. To help simplify the processing and distribution of comments and rebuttals, the Department requests that a submission in electronic form accompany the required paper copies. Comments filed in electronic form should be on a DOS formatted 3.5" diskette in either WordPerfect format or a format that the WordPerfect program can convert into WordPerfect.

Comments received on diskette will be made available to the public on the Web at the following address: <http://ia.ita.doc.gov/>. In addition, upon request, the Department will make comments filed in electronic form available to the public on 3.5" diskettes (at cost) with specific instructions for accessing compressed data (if necessary). Any questions concerning file formatting, document conversion, access on the Web, or other electronic filing issues should be addressed to Andrew Lee Beller, IA Webmaster, at (202) 482-0866 or via e-mail at [andrew\\_lee\\_beller@ita.doc.gov](mailto:andrew_lee_beller@ita.doc.gov).

Dated: August 8, 2002.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 02-20771 Filed 8-14-02; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080602C]

### South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold a joint meeting of its Shrimp Advisory Panel (AP) and Shrimp Bycatch Reduction Device (BRD) Advisory Panel in Charleston, SC.

**DATES:** The Shrimp AP and Shrimp BRD AP will meet jointly September 3, 2002 from 1:30 p.m. until 5 p.m. and September 4, 2002 from 8:30 a.m. until 5 p.m.

**ADDRESSES:** These meetings will be held at the Town and Country Inn, 2008 Savannah Highway, Charleston, SC 29407; telephone: 843-571-1000.

*Council address:* South Atlantic Fishery Management Council, One

Southpark Circle, Suite 306, Charleston, SC 29407-4699.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer; telephone: (843) 571-4366; fax: (843) 769-4520; email: [kim.iverson@noaa.gov](mailto:kim.iverson@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to further develop the options paper for Amendment 6 to the South Atlantic Shrimp Fishery Management Plan by including the advisory panels' input and recommendations. Management actions to be considered in Amendment 6 will include the required Sustainable Fisheries Act (SFA) criteria for all shrimp species, options to modify or remove the BRD Protocol from the Shrimp Fishery Management Plan and measures to reduce the level of turtle mortality. In relation to the increased number of turtle strandings observed, the Council is considering night time closures in the shrimp fishery as one of the options to remedy this situation.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by August 26, 2002.

Dated: August 9, 2002.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 02-20737 Filed 8-14-02; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 071802A]

##### Marine Mammals; File No. 1013-1648

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Dr. Patricia E. Mascarelli, Caribbean Center for Marine Studies, P.O. Box 3197, Lajas, PR 00667, has been issued a permit to take humpback whales (*Megaptera novaeangliae*), spinner dolphins (*Stenella longirostris*), and bottlenose dolphins (*Tursiops truncatus*) for purposes of scientific research.

**ADDRESSES:** The permit 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)713-0376; and Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432; phone (727)570-5301; fax (727)570-5320.

**FOR FURTHER INFORMATION CONTACT:**

Tammy Adams or Ruth Johnson, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On November 14, 2001, notice was published in the **Federal Register** (66 FR 57040) that a request for a scientific research permit to take humpback whales, spinner dolphins, and bottlenose dolphins had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (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 parts 222-226).

Permit No. 1013-1648 authorizes takes of up to 50 humpback whales per year for 5 years by harassment from close approach for photo-identification, collection of sloughed skin, and behavioral observations for the purpose of estimating abundance, habitat use, and behavior. The permit also authorizes inadvertent harassment of up to 200 humpback whales per year and unlimited annual takes of spinner and bottlenose dolphins by inadvertent harassment during these activities.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: August 8, 2002.

**Eugene T. Nitta,**

*Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 02-20736 Filed 8-14-02; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### Patent and Trademark Office

##### Rules for Patent Maintenance Fees

**ACTION:** Proposed collection; comment request.

**SUMMARY:** The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the revision of a continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before October 15, 2002.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of Data Management, Data Administration Division, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231; by telephone at (703) 308-7400; or by electronic mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov).

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Robert J. Spar, Director, Office of Patent Legal Administration, USPTO, Washington, DC 20231; by telephone at (703) 308-5107; or by electronic mail at [bob.spar@uspto.gov](mailto:bob.spar@uspto.gov).

##### SUPPLEMENTARY INFORMATION

###### I. Abstract

Under 35 U.S.C. 41(b) and 37 CFR 1.20(e)-(g) and 1.362, the United States Patent and Trademark Office (USPTO) charges fees for maintaining in force all utility patents based on applications filed on or after December 12, 1980. Payment of these maintenance fees is required at 3½, 7½, and 11½ years after the date the patent was granted. If the payment of the appropriate maintenance fee is not received within a grace period of six months following each of the above intervals (at 4, 8, or 12 years after the date of grant), the patent will expire at that time as set forth in 37 CFR 1.362(g). If a patent has expired due to nonpayment of a maintenance fee, the