

Web, EFS-Web Contingency Option will provide an Electronic Acknowledgement Receipt that establishes the date of receipt by the USPTO of an application or document submitted via EFS-Web Contingency Option. Applicant will not be required to, and should not, resubmit the application or document when the primary portal to EFS-Web is once again available. Any resubmission of an application will result in filing a duplicate application and, if applicant pays the filing fees again when submitting the duplicate application, no refund will be provided.

Applications filed via EFS-Web Contingency Option are protected with the same level of security as EFS-Web for unregistered e-filers by using Transport Layer Security (TLS) to encrypt transmission over the Internet. Registered e-filers who have uploaded documents to a Saved Submission package in EFS-Web will not be able to access those Saved Submission documents in EFS-Web Contingency Option. Applicants can submit on-line fee payments by selecting fees on the fee calculation screen and completing their payment at time of submission (*i.e.*, chose the "Yes! I want to pay now" button rather than "No—I will pay later" button).

When the primary portal to EFS-Web is unavailable during an unscheduled outage, applicants may also file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, and reexamination requests, by hand-delivery to the USPTO, or "Express Mail" from the United States Postal Service (USPS) in accordance with 37 CFR 1.10, to establish the filing date or national stage entry date. *See Legal Framework for Electronic Filing System—Web (EFS-Web)*, 74 FR 55200, 55204 (October 27, 2009) (notice), and Revised Legal Framework for EFS-Web ([http://www.uspto.gov/patents/process/file/efs/guidance/New\\_legal\\_framework.jsp](http://www.uspto.gov/patents/process/file/efs/guidance/New_legal_framework.jsp)) (Section C3). New applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, and reexamination requests cannot be submitted by facsimile transmission, and certificate of mailing procedures under 37 CFR 1.8 do not apply to these items.

The EFS-Web Contingency Option does not permit follow-on fee payments and follow-on documents other than those listed above. Applicants may file the documents or fee payments by: (1) Facsimile transmission, (2) first class mail with a certificate of mailing in

accordance with 37 CFR 1.8, (3) hand-delivery to the USPTO, or (4) "Express Mail" from the USPS in accordance with 37 CFR 1.10. Documents that are required to establish the filing date of an application (*e.g.*, a missing drawing figure or page of the specification) cannot be submitted by facsimile transmission, and certificate of mailing procedures under 37 CFR 1.8 do not apply to these documents.

## II. Improperly Filed Follow-on Documents

As previously stated, EFS-Web Contingency Option and EFS-Web for unregistered e-filers permit users to sign on as unregistered EFS-Web users to file new applications, national stage submissions under 35 U.S.C. 371 submitted with the basic national fee necessary to enter the national stage, requests for reexamination and certain petitions. Unfortunately, EFS-Web Contingency and EFS-Web for unregistered e-filers have limited functionality, which do not permit users to file other follow-on documents and follow-on fee payments after the initial submission of the application or reexamination request (*e.g.*, amendments and replies to Office actions). Accordingly, it will be improper for users to file follow-on documents as new applications. The USPTO will continue to provide answers to frequently asked questions, and other helpful information on the USPTO Web site. Users are encouraged to check the USPTO Web site for more information and contact the Patent Electronic Business Center for questions related to the usage of USPTO electronic systems.

## III. Additional Information Regarding National Stage Submissions

The basic national fee is required in order for an international application to enter the national stage under 35 U.S.C. 371. *See* 37 CFR 1.495. Users are permitted to submit the basic national fee with the national stage submission under 35 U.S.C. 371 via EFS-Web and EFS-Web Contingency Option using on-line payment screens that interface with the Revenue Accounting and Management (RAM) system. If the RAM system is unavailable, neither EFS-Web nor EFS-Web Contingency Option will permit users to make payment using the interactive payment screens. Applicant may pay the necessary national stage entry fees by including a written authorization to charge the desired fees together with the national stage submission under 35 U.S.C. 371, or sending the payment via "Express Mail" from the USPS in accordance with 37

CFR 1.10 on the same date that the national stage submission is electronically filed.

For any national stage submissions under 35 U.S.C. 371 filed via the EFS-Web or EFS-Web Contingency Option, the system automatically checks the Patent Application Locating and Monitoring (PALM) system to verify that no previous national stage submission has been made for the particular PCT international application referenced in the initial national stage submission. If the PALM system is unavailable, neither EFS-Web nor EFS-Web Contingency Option can complete the PALM verification, and thus EFS-Web and EFS-Web Contingency Option will not permit any national stage submissions under 35 U.S.C. 371 to be filed. Therefore, if PALM is unavailable, applicants may use hand-delivery or "Express Mail" from the USPS in accordance with 37 CFR 1.10 to timely submit documents and fees for national stage entry. However, applicants may *not* file national stage submissions under 35 U.S.C. 371 and the basic national fee necessary to enter the national stage via facsimile transmission. *See* 37 CFR 1.6(d)(3) and 1.8(a)(2)(i)(F).

Dated: May 12, 2010.

**David J. Kappos,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 2010-11906 Filed 5-18-10; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-810]

#### **Certain Welded Stainless Steel Pipes From the Republic of Korea: Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On January 7, 2010, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain welded stainless steel pipes (WSSP) from the Republic of Korea (Korea). This review covers one producer/exporter of the subject merchandise to the United States, SeAH Steel Corporation (SeAH). The period of review (POR) is December 1, 2007, through November 30, 2008. Based on our analysis of the comments received, we have made certain changes

in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of Review."

**DATES:** *Effective Date:* May 19, 2010.

**FOR FURTHER INFORMATION CONTACT:** Holly Phelps, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-0656.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 7, 2010, the Department published in the **Federal Register** the preliminary results of administrative review of the antidumping duty order on WSSP from Korea. *See Certain Welded Stainless Steel Pipes from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 973 (Jan. 7, 2010) (*Preliminary Results*).

We invited parties to comment on our preliminary results. In February 2010, we received a case brief from SeAH. We did not receive a case brief or rebuttal brief from the petitioners.<sup>1</sup> The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

**Scope of the Order**

The merchandise subject to the antidumping duty order is welded austenitic stainless steel pipe that meets the standards and specifications set forth by the American Society for Testing and Materials (ASTM) for the welded form of chromium-nickel pipe designated ASTM A-312. The merchandise covered by the scope of the order also includes austenitic welded stainless steel pipes made according to the standards of other nations which are comparable to ASTM A-312.

WSSP is produced by forming stainless steel flat-rolled products into a tubular configuration and welding along the seam. WSSP is a commodity product generally used as a conduit to transmit liquids or gases. Major applications for steel pipe include, but are not limited to, digester lines, blow lines, pharmaceutical lines, petrochemical stock lines, brewery process and transport lines, general food processing lines, automotive paint lines, and paper

process machines. Imports of WSSP are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.40.5005, 7306.40.5015, 7306.40.5040, 7306.40.5065, and 7306.40.5085.

Although these subheadings include both pipes and tubes, the scope of the antidumping duty order is limited to welded austenitic stainless steel pipes. The HTSUS subheadings are provided for convenience and customs purposes. However, the written description of the scope of the order is dispositive.

**Period of Review**

The POR is December 1, 2007, through November 30, 2008.

**Cost of Production**

As discussed in the preliminary results, we conducted an investigation to determine whether SeAH made home market sales of the foreign like product during the POR at prices below their costs of production (COP) within the meaning of section 773(b) of the Act. *See Preliminary Results*, 75 FR at 976. For these final results, we performed the cost test following the same methodology as in the *Preliminary Results*.

We found that 20 percent or more of SeAH's sales of a given product during the reporting period were at prices less than the weighted-average COP for this period. Thus, we determined that these below-cost sales were made in "substantial quantities" within an extended period of time and at prices which did not permit the recovery of all costs within a reasonable period of time in the normal course of trade. *See* sections 773(b)(1)–(2) of the Act.

Therefore, for purposes of these final results, we found that SeAH made below-cost sales not in the ordinary course of trade. Consequently, we disregarded these sales for SeAH and used the remaining sales as the basis for determining normal value pursuant to section 773(b)(1) of the Act.

**Analysis of Comments Received**

All issues raised in the case brief by SeAH are listed in the Appendix to this notice and addressed in the Issues and Decision Memorandum (the Decision Memo), which is adopted by this notice. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room 1117, of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/fnr/>.

The paper copy and electronic version of the Decision Memo are identical in content.

**Changes Since the Preliminary Results**

Based on our analysis of the comments received, we have made certain changes to the margin calculations. These changes are discussed in the relevant sections of the Decision Memo.

**Final Results of Review**

We determine that the following weighted-average margin percentage exists for the period December 1, 2007 through November 30, 2008:

Manufacturer/Producer/Exporter	Percent margin
SeAH Steel Corporation .....	2.92

**Assessment**

The Department shall determine, and the U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates for SeAH based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (i.e., less than 0.50 percent).

The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by SeAH for which SeAH did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate established in the less-than-fair-value (LTFV) investigation if there is no rate for the intermediate company(ies) involved in the transaction.

**Cash Deposit Requirements**

Further, the following deposit requirements will be effective for all shipments of WSSP from Korea entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this

<sup>1</sup> The petitioners are Bristol Metals, LLC, Felker Brothers Corporation, Marcegaglia USA, Inc., and Outokumpu Stainless Pipe, Inc.

administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed company will be the rate shown above, except if the rate is less than 0.50 percent, *de minimis* within the meaning of 19 CFR 351.106(c)(1), the cash deposit will be zero; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period of review; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.00 percent, the all-others rate made effective by the LTFV investigation. See *Antidumping Duty Order and Clarification of Final Determination: Certain Welded Stainless Steel Pipes From Korea*, 57 FR 62301 (Dec. 30, 1992), as amended in *Notice of Amended Final Determination and Antidumping Duty Order: Certain Welded Stainless Steel Pipe From the Republic of Korea*, 60 FR 10064, 10065 (Feb. 23, 1995). These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility, under 19 CFR 351.402(f)(2), to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written 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.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 13, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

#### Appendix—Issues in Decision Memorandum

##### General Issues

1. Offsetting of Negative Margins.
2. Inclusion of Inventory Valuation Allowances in Cost of Production.
3. Application of the Major Input Rule.

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**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XW48**

##### North Pacific 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 North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings in Sitka, AK.

**DATES:** The meetings will be held June 7 through June 15, 2010. The Council will begin its plenary session at 8 a.m. on Wednesday, June 9 continuing through Tuesday, June 15. The Council's Advisory Panel (AP) will begin at 8 a.m., Wednesday, June 7 and continue through Saturday June 12. The Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday, June 7 and continue through Wednesday, June 9, 2010. The Enforcement Committee will meet Wednesday, June 8 from 1 p.m. to 5 p.m. at the Westmark Hotel, 330 Seward Street, Room ????, Sitka, AK. All meetings are open to the public, except executive sessions.

**ADDRESSES:** The meetings will be held at Harrigan Centennial Hall, 330 Harbor Drive, Sitka, AK. The Enforcement Committee meeting will be held at the Westmark Hotel, 330 Seward Street, Sitka, AK.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** David Witherell, Council staff; telephone: (907) 271-2809.

**SUPPLEMENTARY INFORMATION:** Council Plenary Session: The agenda for the

Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

#### Reports:

1. Executive Director's Report NMFS Management Report (including review of Amendment 91 proposed rule) ADF&G Report NOAA Enforcement Report U.S. Coast Guard Report U.S. Fish & Wildlife Service Report Protected Species Report

2. Bering Sea Aleutian Island (BSAI) Chum Salmon Bycatch: receive update on outreach initiatives; review discussion paper and finalize alternatives for analysis; update on chum and Chinook salmon genetics research and sampling.

3. BSA Crab Annual Catch Limits (ACLs) and Rebuilding Plans: Initial review of analysis to establish ACLs and rebuild snow crab; approve Crab Stock Assessment Fishery Evaluation (SAFE)/Over Fishing Levels (OFLs) as necessary; review Prohibited Species Catch (PSC).

4. Scallop ACLs: Initial review of analysis to establish scallop ACLs.

5. Observer Program Restructuring: Initial review of analysis on program restructuring; receive report from Observer Committee.

6. Central Gulf of Alaska (GOA) Rockfish program: Final action on CGOA Catch Share Program.

7. Amendment 80 Program: Receive report on Groundfish Retention Standards (GRS) program. Final action on amendment for lost vessels replacement.

8. Groundfish Management: Initial review of analysis for GOA Pacific cod sideboards for crab vessels; initial review of analysis to adjust Maximum Retainable Amount (MRAs) in BSAI arrowtooth fishery.

9. Miscellaneous Issues: Review preliminary discussion paper on GOA halibut PSC; receive briefing on Alaska MPAs and fishery overlap; review Pacific cod assessment model run proposals (SSC only); review Council request for Tier 6 Working Group (SSC only); American Fisheries Act (AFA) preliminary report removal - initial/final action.

10. Staff Tasking: Review Committees and tasking.

11. Other Business  
The SSC agenda will include the following issues:

1. Crab ACLs/Rebuilding
2. Crab SAFE
3. Scallop ACLs
4. Observer Program
5. Groundfish Management