

average dumping margin of greater than *de minimis* or vice versa (*see* 19 CFR 351.224(e)).

After reviewing Xstrata's allegations, we have determined, in accordance with 19 CFR 351.224(e), that the *Preliminary Determination* was based on several ministerial errors which are considered significant under the Department's regulations. First, we agree with Xstrata that the Department failed to merge the currency exchange rate database and the U.S. sales database by the date of sale. Because of this error, we used the wrong currency exchange rates to convert U.S. sales adjustments reported in foreign currencies into U.S. dollars. Second, we agree, in part, with Xstrata's allegation regarding the selling expenses included in CV. Specifically, we agree that we included certain movement expenses in CV, rather than selling expenses. *See* the Memorandum from Holly A. Kuga to Bernard T. Carreau regarding the ministerial error allegations with respect to our preliminary determination in the instant investigation, dated concurrently with this notice (Allegation of Ministerial Errors Memorandum), a public version of which is on file in room B-099 of the Department of Commerce Herbert C. Hoover building.

The alleged ministerial errors with which we do not agree concern Xstrata's assertion that the Department erred by including the wrong selling expenses in CV, failing to deduct imputed credit expenses from CV and not granting Xstrata a CEP offset. As stated in the Allegation of Ministerial Errors Memorandum, the Department determined that these allegations are not ministerial in nature, but rather involve methodological issues. *See* the Allegation of Ministerial Errors Memorandum for a detailed description of the ministerial error allegations and a detailed analysis thereof.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the preliminary determination of the antidumping duty investigation of ferrovanadium from South Africa to reflect the correction of significant ministerial errors made in the margin calculation for Xstrata. Xstrata's revised weighted-average dumping margin is listed in the "Amended Preliminary Determination" section, below. We have also revised the all others rate to reflect the change in Xstrata's margin.

#### Amended Preliminary Determination

We are amending the preliminary determination of the antidumping duty investigation of ferrovanadium from South Africa to reflect the correction of the above-cited ministerial errors. The

revised preliminary weighted-average dumping margins are as follows:

| Manufacturer/exporter                             | Margin (percent) |
|---|------------------|
| Highveld Steel and Vanadium Corporation Ltd ..... | 45.58            |
| Xstrata South Africa (Proprietary) Limited ...    | 19.42            |
| All Others .....                                  | 33.39            |

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service (Customs) to continue suspending liquidation on all imports of subject merchandise from South Africa. Customs shall require a cash deposit or the posting of a bond equal to the weighted-average amount by which normal value exceeds the export price as indicated in the chart above. These suspension-of-liquidation instructions will remain in effect until further notice.

#### International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the International Trade Commission of our amended preliminary determination.

#### Public Comment

Since Highveld and Xstrata have declined verification, the Department has assigned the following schedule for the submission of case briefs for this investigation: case briefs must be submitted to the Department no later than seven days after the date of the publication of this notice. Rebuttal briefs must be filed five days from the deadline for case briefs. A list of authorities used, a table of contents, an electronic copy of the public version on diskette, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes.

The deadline for requesting a hearing has passed. The Department received no requests for a hearing, therefore, no hearing will be held in this investigation.

We will make our final determination no later than November 20, 2002.

This determination is issued and published in accordance with sections 733(f) and 777(i) of the Act.

Dated: September 12, 2002.

**Richard W. Moreland,**  
Acting Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 071002A]

#### Marine Mammals; Notice of Intent to Prepare an Environmental Impact Statement for a Take Reduction Plan for the Western North Atlantic Coastal Stock of Bottlenose Dolphins

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

**ACTION:** Notice of intent to prepare an Environmental Impact Statement (EIS); reopening of comment period.

**SUMMARY:** NMFS announced its intention to prepare an EIS on July 22, 2002. The EIS, prepared in accordance with the National Environmental Policy Act, is for the development of a Bottlenose Dolphin Take Reduction Plan (BDTRP) to reduce the incidental mortality and serious injury of the Atlantic coastal stock of bottlenose dolphins in commercial fisheries to below the potential biological removal (PBR) level for the stock. The purpose of this action is to solicit public comments on the scope of the issues to be addressed in the EIS. The original comment period closed on August 21, 2002. However, in response to public comments and to ensure that the public has ample opportunity to provide comments, NMFS is reopening the public comment period for an additional 45 days.

**DATES:** Comments on the scope of the EIS must be postmarked or transmitted via facsimile by 5 p.m. Eastern Standard Time November 4, 2002.

**ADDRESSES:** Send comments on the scope of the EIS to Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, Attn: Bottlenose Dolphin EIS. Comments may also be sent via facsimile to 301-713-0376. NMFS will not accept comments submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Katie Moore, NMFS Southeast Region, phone: 727-570-5312, e-mail: [Katie.Moore@noaa.gov](mailto:Katie.Moore@noaa.gov); or Emily Menashes, NMFS Office of Protected Resources, phone: 301-713-2322, e-mail: [Emily.Menashes@noaa.gov](mailto:Emily.Menashes@noaa.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339

between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:** Electronic AccessFor additional information on Atlantic coastal bottlenose dolphins, refer to the draft 2002 Atlantic and Gulf of Mexico Marine Mammal Stock Assessment Reports (SARs). The reports can be accessed via the internet at: [http://www.nmfs.noaa.gov/prot\\_res/PR2/Stock\\_Assessment\\_Program/sars.html](http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/sars.html).

### Background

NMFS intends to develop and implement a BDTRP pursuant to section 118(f) of the Marine Mammal Protection Act (MMPA). The purpose of the proposed action is to reduce the incidental mortality and serious injury of the Atlantic coastal stock of bottlenose dolphins in commercial fisheries to below the PBR level for the stock. The BDTRP will address mortality and serious injury of Atlantic coastal bottlenose dolphins incidentally taken in the following Category II commercial fisheries: Mid-Atlantic coastal gillnet; North Carolina inshore gillnet; Southeast Atlantic gillnet; Southeastern U.S. Atlantic shark gillnet; Atlantic blue crab trap/pot; Mid-Atlantic haul/beach seine; North Carolina long haul seine; North Carolina roe mullet stop net; and Virginia pound net.

Section 118(f) of the MMPA requires NMFS to convene a take reduction team to assist in the recovery and prevent the depletion of each strategic stock that interacts with Category I or II fisheries. The western North Atlantic coastal stock of bottlenose dolphins is a strategic stock. More information about the stock is available in the draft 2002 SAR, which can be obtained via the internet or by contacting Katie Moore or Emily Menashes (*see FOR FURTHER INFORMATION CONTACT*). Strategic status was initially assigned because the stock is designated as depleted under the MMPA as a result of a large-scale mortality event that occurred in 1987–1988 (58 FR 17789, April 6, 1993). However, the stock also qualifies as strategic because mortality and serious injury of this stock incidental to commercial fishing exceeds the PBR level of the stock.

The immediate goal of a take reduction plan for a strategic stock of marine mammals is to reduce, within 6 months of plan implementation, the incidental mortality or serious injury of marine mammals taken in the course of commercial fishing operations to levels less than the PBR level. The long-term goal of the plan is to reduce, within 5

years of its implementation, the incidental mortality or serious injury of marine mammals taken in the course of commercial fishing operations to insignificant levels approaching a zero mortality and serious injury rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans.

The Secretary of Commerce (Secretary) may establish a take reduction team to address mortality or serious injury of strategic stocks of marine mammals interacting with Category I or II fisheries. Not later than 6 months after the date of establishment of a take reduction team, the team is required to submit a draft take reduction plan for such stock to the Secretary, consistent with the other provisions of section 118 of the MMPA. The Secretary is required to take the draft take reduction plan submitted by the team into consideration and publish in the **Federal Register** a summary of the draft plan submitted by the team, any changes proposed by the Secretary with an explanation of the reasons therefore, and proposed regulations to implement such plan, for public review and comment.

### Public Scoping Process

The Bottlenose Dolphin Take Reduction Team (Team) was established on November 7, 2001. A **Federal Register** notification announcing the convening of the Team and their first meeting was published on October 24, 2001 (66 FR 53782). The Team met a total of five times before delivering consensus recommendations for the BDTRP to NMFS on May 7, 2002. The dates of the five meetings were: November 7–8, 2001, January 23–25, 2002, February 27–March 1, 2002, March 27–28, 2002, and April 23–25, 2002. Team meetings were open to the public and a public comment period was held following each day of meetings. Additionally, NMFS held three public meetings with potential Team members and other interested members of the public on May 15–16, 2001, July 11–12, 2001, and November 6, 2001. An additional meeting of the Team, tentatively scheduled for January of 2003 and open to the public, will be held prior to development of the proposed rule implementing the BDTRP and completion of the draft EIS. This document provides additional opportunity for public involvement in the scope of the issues to be addressed in the EIS.

NMFS hired a commercial fisheries liaison to involve potentially affected sectors of the commercial fishing

industry in the Team process by providing information about the purpose of the Team, meeting dates and locations, and discussion topics for upcoming meetings. The liaison used dockside visits, commercial fishing publications, and a commercial fishing expo to disseminate the information. NMFS generated and distributed a fact sheet about the Team and upcoming Team meetings and used mail and electronic mail to distribute information about meeting logistics and summaries to over 200 interested persons.

### Analysis of Alternatives

NMFS will be analyzing alternatives that are reasonably expected to reduce mortality and serious injury of Atlantic coastal bottlenose dolphins to less than the PBR level within 6 months of implementation of the BDTRP. NMFS will be analyzing all reasonable alternatives, which include a status quo alternative and the recommendations submitted by the Team. The Team's recommendations can be obtained by contacting Katie Moore or Emily Menashes (*see FOR FURTHER INFORMATION CONTACT*).

Dated: September 13, 2002.

**Chris Mobley,**

*Acting Director, Office of Protected Resources, National Marine Fisheries Service.*

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## PATENT AND TRADEMARK OFFICE

### Proposed Information Collection; Payment of Patent and Trademark Office Fees by Credit Card

**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 November 18, 2002.

**ADDRESSES:** Direct all written comments to Susan K. Brown, Records Officer, Office of Data Architecture and Services, Data Administration Division, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231; by telephone at