

“meaningful,” a term used in the Preamble to the Regulations but which is interpreted by the Department on a case-by-case basis. See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27366 (May 19, 1997) (Preamble). See, also, *Shakeproof v. United States*, 268 F.3d 1376, 1382 (Fed. Cir. 2001) (*Shakeproof*). Second, this average import price must reflect arms-length, *bona fide* sales. See *Shakeproof* at 14. Third, the Department has disregarded all input values it has reason to believe or suspect might be dumped or subsidized. See *China National Machinery Import & Export Corporation v. United States*, 293 F. Supp 2d 1334 (CIT 2003), as affirmed by *Federal Circuit*, 104 Fed. Appx. 183 (Fed. Cir. 2004). Fourth, the Department has disregarded the prices of inputs that could not possibly have been used in the production of subject merchandise during the period of investigation or review. See, e.g., *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004).

In comments submitted in response to the Department's May 26 **Federal Register** notice requesting comment on our current practice, seventeen interested parties argued that the prices paid for that portion of an input that was purchased from market economy countries often constitutes the “best information available” required by the statute for valuing domestically sourced inputs. In particular, these parties contended that using surrogate values in place of actual market economy purchase prices to value an entire input would result in less accurate calculation of normal value. These parties also stressed that the Department already requires that the quantity purchased from market economy suppliers be significant and that the transactions be *bona fide* and conducted in market economy currency. According to these parties, the aforementioned requirements already ensure that the market economy purchase prices the Department accepts constitute the “best available information”.

Other interested parties responding to the request for comment, however, submitted arguments that the Department's current case-by-case assessment of what constitutes a “meaningful” quantity does not ensure that the prices paid by respondents for the portion of the input sourced from market economy countries are an accurate valuation of the entire input. In particular, these parties have alleged that it may be possible, under the Department's current practice, for

respondents to source a small amount of an input on favorable terms with the goal of manipulating the Department's margin calculations. Alternatively, these parties claim, market economy suppliers may sometimes offer limited quantities of an input at prices that are much lower than the price at which respondents could acquire the total amount of the input in question. Where situations such as these occur, these parties claim that it would be distortive to use the prices paid for a portion of an input sourced from market economy suppliers to value the entire input.

Upon consideration of these comments, the Department proposes to continue to value respondents' entire input with the prices paid by them to market economy suppliers of the input, as long as the purchases reflect *bona fide* sales, were made in market economy currency, constitute a “meaningful” quantity, and could have been used in the production of the subject merchandise. However, the Department's goal is to better ensure that the market economy input purchase prices it accepts are as free as possible from distortions and constitute the best available information. Accordingly, we are now proposing a change in the Department's practice that is intended to reduce potential distortions in the Department's current market economy inputs practice while continuing to use the average price paid for the inputs sourced from market economy suppliers to value an entire input.

The Department is now proposing to use respondents' market economy purchase prices to value all of the input (provided the Department's four other requirements described above are met) when the *majority* of each input by volume is sourced from market economy countries. Where respondents source less than a majority of the total volume of an input from market economy countries in transactions meeting the Department's other requirements, the Department will weight-average the portion that was purchased from market economy countries, using the actual price paid, with the portion sourced domestically, using a surrogate value. The Department welcomes comments on whether this proposal would appropriately address distortions that have been identified in the Department's market economy inputs practice and whether this proposal would be consistent with the Department's regulations.

#### Comments

Persons wishing to comment should file a signed original and six copies of each set of comments by the date

specified above. The Department will consider all comments received before the close of the comment period. Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured. The Department will not accept comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the persons submitting the comments and will not consider them in the development of any changes to its practice. The Department requires that comments be submitted in written form. The Department recommends submission of comments in electronic form to accompany the required paper copies. Comments filed in electronic form should be submitted either by e-mail to the webmaster below, or on CD-ROM, as comments submitted on diskettes are likely to be damaged by postal radiation treatment.

Comments received in electronic form will be made available to the public in Portable Document Format (PDF) on the Internet at the Import Administration website at the following address: <http://ia.ita.doc.gov/>.

Any questions concerning file formatting, document conversion, access on the Internet, or other electronic filing issues should be addressed to Andrew Lee Beller, Import Administration Webmaster, at (202) 482-0866, email address: [webmaster-support@ita.doc.gov](mailto:webmaster-support@ita.doc.gov).

Dated: August 5, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-4357 Filed 8-10-05; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* United States Patent and Trademark Office (USPTO).

*Title:* Post Registration (Trademark Processing).

*Form Number(s)*: PTO Form 1583, 1963, 4.16, PTO/TM/1593, 4.16.

*Agency Approval Number*: 0651-00xx.

*Type of Request*: New collection.  
*Burden*: 19,748 hours.

*Number of Respondents*: 129,787 responses.

*Avg. Hours Per Response*: 3 to 30 minutes. This includes time to gather the necessary information, create the documents, and mail the completed request. The time estimates shown for the electronic forms in this collection are based on the average amount of time needed to complete and electronically file the associated form.

*Needs and Uses*: The information in this collection is a matter of public record and is used by the public for a variety of private business purposes related to establishing and enforcing trademark rights. At this time, the USPTO is proposing to split collection 0651-0009, Trademark Processing, into four separate collections based upon the structure of the Trademark business processes. The USPTO believes that dividing this extensive collection into smaller, more manageable, information collection requests will result in a more efficient updating and renewal process. This new collection is one of the newly created, or "split" groups.

The USPTO has split the amendments/corrections/surrenders category to include amendments and corrections as one category. Surrenders are treated as a separate category. The remaining eight items in this collection were part of the existing approved 0651-0009 collection.

*Affected Public*: Individuals or households; business or other for-profit; not-for-profit institutions; farms, the Federal Government, and State, Local or Tribal Governments.

*Frequency*: On occasion.

*Respondent's Obligation*: Required to obtain or retain benefits.

*OMB Desk Officer*: David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by any of the following methods:

- E-mail: [Susan.Brown@uspto.gov](mailto:Susan.Brown@uspto.gov). Include "0651-0031 copy request" in the subject line of the message.
- Fax: 571-273-0112, marked to the attention of Susan Brown.
- Mail: Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, Data Administration Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on

or before September 12, 2005 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, 725 17th Street, NW., Washington, DC 20503.

Dated: August 3, 2005.

**Susan K. Brown,**

*Records Officer, USPTO, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 05-15887 Filed 8-10-05; 8:45 am]

**BILLING CODE 3510-16-P**

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## DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

### Notice of the Defense Base Closure and Realignment Commission—Open Meeting (Arlington, VA)

**AGENCY**: Defense Base Closure and Realignment Commission.

**ACTION**: Notice; Defense Base Closure and Realignment Commission—Open Meeting to Make the Base Closure and Realignment Recommendations the Commission Will Forward to the President (Arlington, VA).

**SUMMARY**: Notice is hereby given that the Defense Base Closure and Realignment Commission will hold an open meeting on August 24, 25, 26 and 27, 2005 from 8 a.m. to 12 p.m., 1 p.m. to 5:30 p.m. and 7 p.m. to 10 p.m. on each day indicated at the Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington VA 22202. The Commission requests that the public consult the 2005 Defense Base Closure and Realignment Commission Web site, <http://www.brac.gov>, for updates. The Commission will make the base closure and realignment recommendations the Commission will forward to the President. This deliberative meeting will be open to the public, subject to the availability of space. Sign language interpretation will be provided.

**DATES**: August 24, 25, 26 and 27, 2005 from 8 a.m. to 12 p.m., 1 p.m. to 5:30 p.m. and 7 p.m. to 10 p.m. on each day indicated.

**ADDRESSES**: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington VA 22202.

**FOR FURTHER INFORMATION CONTACT**: Please see the 2005 Defense Base Closure and Realignment Commission Web site, <http://www.brac.gov>. The Commission invites the public to provide direct comment by sending an electronic message through the portal provided on the Commission's Web site or by mailing comments and supporting documents to the 2005 Defense Base Closure and Realignment Commission,

2521 South Clark Street Suite 600, Arlington, Virginia 22202-3920. The Commission requests that public comments be directed toward matters bearing on the decision criteria described in *The Defense Base Closure and Realignment Act of 1990*, as amended, available on the Commission Web site. Sections 2912 through 2914 of that Act describe the criteria and many of the essential elements of the 2005 BRAC process. For questions regarding this announcement, contact Mr. Dan Cowhig, Deputy General Counsel and Designated Federal Officer, at the Commission's mailing address or by telephone at 703-699-2950 or 2708.

Dated: August 5, 2005.

**Jeannette Owings-Ballard,**

*Administrative Support Officer.*

[FR Doc. 05-15907 Filed 8-10-05; 8:45 am]

**BILLING CODE 5001-06-P**

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## DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION

### Notice of the Defense Base Closure and Realignment Commission—Open Meeting

**AGENCY**: Defense Base Closure and Realignment Commission.

**ACTION**: Notice; Defense Base Closure and Realignment Commission—Open Meeting To Receive Department of Defense Comment on Various Base Closure and Realignment Recommendations (Washington, DC).

**SUMMARY**: Notice is hereby given that the Defense Base Closure and Realignment Commission will hold an open meeting on August 20, 2005 from 8:30 a.m. to 12 p.m. and 1:30 p.m. to 4:30 p.m. at Senate Hart Hearing Room 216, Constitution Avenue, Washington DC 20510. The delay of this notice resulted from the short time-frame established by statute for the operations of the Defense Base Closure and Realignment Commission and the necessity of coordinating this meeting with a variety of Federal government officials. The Commission requests that the public consult the 2005 Defense Base Closure and Realignment Commission Web site, <http://www.brac.gov>, for updates. The Commission will meet to receive Department of Defense comment on various recommendations for closure or realignment of installations. This meeting will be open to the public, subject to the availability of space.

**DATES**: August 20, 2005 from 8:30 a.m. to 1:30 p.m.