Comparison Methodology

In accordance with section 777A(d)(1)(A)(i), we calculated weighted-average EPs for comparisons to weighted average NVs. The weighted-averages were calculated and compared by product characteristics.

Petitioner argues that monthly average home market and U.S. prices should be used in calculating the dumping margin due to alleged differences in the time, volume, and distribution of sales during the POI. Petitioner contends that the use of monthly averages is appropriate in order to avoid understating a margin calculated using yearly POI averages.

The Department's standard practice in past antidumping investigations involving weighted-average foreign market values (now NV) was to calculate a single weighted-average price for each product during the 6-month POI. The Department intends to extend this practice to the calculation of POI average prices in both markets under the new section 777A of the Act. At this point, the available information on the record does not establish a sufficient basis to use monthly average prices instead of POI average prices.

Currency Conversion

For the purpose of the preliminary determination, we made currency conversions into U.S. dollars based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of Chicago, in accordance with section 773A(a) of the Act.

Verification

As provided in section 788(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of polyvinyl alcohol from Taiwan, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the **Federal Register**. The Customs Service will require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the export price as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Chang Chun Petrochemical Co., Ltd.	4.03
All others	4.03

The all others rate applies to all entries of subject merchandise except for entries of merchandise produced by Chang Chun.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

In accordance with 19 CFR 353.38, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than November 17, 1995, and rebuttal briefs, no later than November 20, 1995. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with 19 CFR 353.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on November 22, 1995, time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. In accordance with 19 CFR 353.38(b), oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by December 18, 1995.

This determination is published pursuant to section 733(f) of the Act.

Dated: October 3, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–25061 Filed 10–6–95; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[I.D. 081195B]

Small Takes of Marine Mammals Incidental to Specified Activities; McDonnell Douglas Aerospace Delta II Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization to take small numbers of harbor seals, California sea lions, and northern elephant seals by harassment incidental to launches of McDonnell Douglas Aerospace Delta II (MDA Delta II) vehicles at Space Launch Complex 2W (SLC–2W), Vandenberg Air Force Base, CA (Vandenberg) has been issued to the U.S. Air Force.

EFFECTIVE DATE: This authorization is effective from September 19, 1995, until September 19, 1996.

ADDRESSES: The application and authorization are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd. Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Marine Mammal Division, Office of Protected Resources at 301–713–2055, or Irma Lagomarsino, Southwest Regional Office at 301–980–4016.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified

geographical region if certain findings are made and regulations are issued.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s); will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses; and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

On April 30, 1994, the President signed Public Law 103–238, The Marine Mammal Protection Act Amendments of 1994 (1994 Amendments). One part of this law added a new subsection 101(a)(5)(D) to the MMPA to establish an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to one year. The MMPA defines ''harassment'' as:

> * * *any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

New subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On July 12, 1995, NMFS received an application from the U.S. Air Force requesting an authorization for the harassment of small numbers of harbor seals and potentially for other pinniped species incidental to launches of Delta II vehicles at SLC–2W, Vandenberg. These launches would place Department of Defense, National Aeronautic and Space Administration (NASA), and commercial, medium-weight payloads into polar or near-polar orbits. MDA/NASA intends to launch approximately 4–5 Delta IIs during the period of this proposed 1-year authorization.

Because SLC–2W is located north of most other launch complexes at Vandenberg, and because there are oil production platforms located off the coast to the south of SLC–2W, missions flown from SLC–2W cannot fly directly on their final southward course. The normal trajectory for a SLC–2W launch is 259.5 degrees west for the first 90 seconds, then a 41–second dog-leg maneuver to bring the vehicle on its southward course of 196 degrees. This trajectory takes the launch vehicle away from the coast and nearly 30 miles west of San Miguel Island (SMI), the westernmost Channel Island (Air Force, 1995b)[1]. As a result of the noise associated with the launch itself, there is a potential to cause a startle response to those harbor seals and other pinnipeds that may haul out on the coastline of Vandenberg. Launch noise would be expected to occur over the coastal habitats in the vicinity of SLC–2W while low-level sonic booms could be heard over the water in the area west of the Channel Islands.

A notice of receipt of the application and the proposed authorization was published on August 18, 1995 (60 FR 43120) and a 30-day public comment period was provided on the application and proposed authorization. During the comment period, one letter was received. The comments contained in this letter are discussed in detail below. Other than information necessary to respond to the comments, additional background information on the activity and request can be found in the above-mentioned notice and needs not be repeated here.

Comments and Responses

Comment 1. There are a number of cetacean species and other pinniped species (Guadalupe fur seals and Steller sea lions) that are likely to occur at least occasionally in areas where they could be subject to noise from rockets launched at Vandenberg. The Marine Mammal Commission (MMC) recommends NMFS consult with applicant to determine whether these species would be harassed.

Response. There are three species of pinnipeds reported hauling out on occasion in the vicinity of SLC–2: harbor seals, California sea lions, and northern elephant seals. NMFS is unaware of other species of pinnipeds being in the vicinity of Vandenberg. For example, Steller sea lions have not been seen in the Channel Islands area since 1984 and Guadalupe fur seals, which breed in Mexico, are rarely seen in southern California. On the Channel Islands, the sonic boom signature is expected to be indistinguishable from ambient noise levels. Over water, the sonic boom is significantly less than that estimated to cause a temporary threshold shift injury and NMFS is unaware of any scientific evidence indicating that a behavioral response results from a single, low-frequency sonic boom. As stated in the proposed authorization, there is also no evidence that airborne noises from the launch itself will cause a startle effect on marine mammals in the water. Although the potential does exist that other marine mammal species will hear either the launch noise or the sonic boom, simply hearing the noise does not necessarily mean that the animals have been harassed.

Comment 2. The notice of proposed authorization does not indicate whether long-term or cumulative studies have been or are being done to look at possible long-term, cumulative effects—e.g., decreases in the number of seals or the proportion of pups that haul out. Without such information, it is not reasonable to conclude that there are no cumulative effects or that any cumulative effects, like short-term effects, are likely to be negligible.

Response. While NMFS is unaware of any long-term studies on the effects on pinnipeds from launch noises, monitoring at Vandenberg for Titan IV launches provides baseline information for future studies. However, the fact that these haul-outs remain active indicates that there are no immediately evident long-term, cumulative impacts. Launch noises are infrequent enough and divided between North and South Vandenberg so that these impacts will likely be less significant, cumulatively, than humans, pets and motorized vessels would be. Therefore, determining the long-term impacts from launch activities and resultant noise would be difficult.

Comment 3. The MMPA prescribes requirements for monitoring and reporting to ensure that only small numbers of specified animals are harassed and that the effects of the harassment are negligible. The proposed authorization does not explain the rationale for proposing that only harbor seals in the vicinity of Purisima Point be monitored. NMFS also appears to have ignored that the cumulative effects may be non-negligible.

Response. NMFS has modified the authorization to require monitoring launch noises at the nearest active pinniped haul-out to SLC–2 and at Purisima Point. Monitoring at these close-in locations is necessary because of the high noise level of the launch. More distant haulouts are likely to result in less frequent response by the seals with resultant fewer behavioral modifications to study. Launches during

[1] A list of references used in this document can be obtained by writing to the address provided above (see **ADDRESSES**).

this 1-year authorization are unlikely to result in measureable cumulative effects. However, this will be a subject for future review as commercial payload launches from Vandenberg increase over the next few years.

Comment 4. NMFS requires a report only at the end of the authorization period. The MMC recommends at a minimum the Air Force should report killed and injured animals immediately and that the authorization should be rescinded if a marine mammal is killed or injured as a result of the authorization.

Response. NMFS will require as part of the authorization that the Air Force submit a monitoring report, no later than 90 days after each Delta II launch. Because no humans are allowed on the coastline adjacent to the launch pad during launches, launch effect observations are limited to time-lapse photography. This limits the cause and effect criterion necessary to revoke an authorization. If there are indications that more than harassment takings are occurring, NMFS will review the evidence to determine appropriate action.

Comment 5. The MMC recommends that NMFS consult with the Air Force to determine whether a 5-year authorization under section 101(a)(5)(A) would be more appropriate.

Response. NMFS agrees with this recommendation and several months ago discussed this option with the Air Force. The Air Force's 5-year authorization, which expires on September 23, 1996, is limited to Titan IV launches. We anticipate they will apply for a new 5-year authorization late this year or early next year, which should include all planned launches at Vandenberg. In the interim, while this new authorization request is being prepared and new regulations proposed, the Air Force will continue to apply for incidental harassment authorizations for launches.

Conclusion

Based upon the information provided in the proposed authorization, NMFS has determined that the short-term impact of the launching of Delta II rockets is expected to result at worst, in a temporary reduction in utilization of the haulout as seals or sea lions leave the beach for the safety of the water. These launchings are not expected to result in any reduction in the number of pinnipeds, and they are expected to continue to occupy the same area. In addition, there will not be any impact on the habitat itself. Based upon studies conducted for previous space vehicle launches at Vandenberg, significant long-term impacts on pinnipeds at Vandenberg and the northern Channel Islands are unlikely.

Therefore, since NMFS is assured that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, California sea lions, and northern elephant seals; would have only a negligible impact on the species, and would result in the least practicable impact on the stock, NMFS determined that the requirements of section 101(a)(5)(D) had been met and the incidental harassment authorization was issued.

Dated: Ocotober 2, 1995.

Patricia A. Montanio,

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

[FR Doc. 95–25001 Filed 10–6–95; 8:45 am]

BILLING CODE 3510–22–F

Patent and Trademark Office

[Docket No. 95053144–5144–01]

Request for Comments on Proposed Examination Guidelines for Computer-Implemented Inventions; Comment Period Extension

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of extension of comment period and document availability.

SUMMARY: This notice announces the availability of the legal analysis referred to in the Request for Comments on Proposed Examination Guidelines for Computer-Implemented Inventions and extends the comment period of the notice until November 13, 1995.

DATES: Written comments must be received on or before November 13, 1995.

ADDRESSES: Written comments should be addressed to Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231, marked to the attention of Nancy J. Linck, Solicitor. Comments may also be submitted by telefax at (730) 305–9373 or by electronic mail through the INTERNET to ''comments-software@uspto.gov.''

FOR FURTHER INFORMATION CONTACT: Karen A. Buchanan, Associate Solicitor, by telephone at (703) 305–9035, by telefax at 703–305–9373, or by mail to her attention addressed to Box 8, Commissioner of Patents and Trademarks, Washington, DC 20231.

The legal analysis may be obtained from Karen A. Buchanan. In addition, the legal analysis is available through anonymous file transfer protocol (ftp) via the Internet (address: ftp://ftp.uspto.gov/pub/software/) and through the World Wide Web (address: http://www.uspto.gov/web/software/).

SUPPLEMENTARY INFORMATION: On June 2, 1995 (60 FR 28778), the PTO published its Request for Comments on Proposed Examination Guidelines for Computer-Implemented Inventions. This notice reported that a legal analysis supporting the guidelines was being prepared. The legal analysis is now available and may be obtained from Karen A. Buchanan, who can be reached using the information indicated above.

The Patent and Trademark Office is also extending the comment period until November 13, 1995, in order to give the public an opportunity to include comments on the guidelines in light of the legal analysis which is now being made available.

Dated: October 4, 1995.

Philip G. Hampton, II,

Acting Assistant Secretary of Commerce and Acting Commissioner of Patents and Trademarks.

[FR Doc. 95–25041 Filed 10–6–95; 8:45 am]

BILLING CODE 3510–16–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Medical and Dental Reimbursement Rates for Fiscal Year 1996

Notice is hereby given that the Deputy Chief Financial Officer in a memorandum dated September 22, 1995, established the following reimbursement rates for inpatient and outpatient medical care to be provided in FY 1996. These rates are effective October 1, 1995.

INPATIENT OUTPATIENT AND OTHER RATES AND CHARGES

Per inpatient day	International military education and training (IMET)	Inter-agency and other Federal agency sponsored patients	Other
I. Inpatient Rates [1 2]			
A. Burn Center .	$1,871	$3,564	$3,794