

The DEIS is projected to be filed with the Environmental Protection Agency in February 1996. Public comment on the DEIS will be solicited for a minimum of 45 days from the date the Notice of Availability appears in the Federal Register. Subsistence hearings, as required by Section 8 of the Alaska National Interest Lands Conservation Act, are planned during this 45-day comment period.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of DEIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Suppl. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Issuance of the Final Environmental Impact Statement is projected in November 1996. The responsible official for the decision is Linn Shipley, Acting District Ranger, Tongass National Forest, Ketchikan Ranger District, 3031 Tongass Avenue, Ketchikan, AK 99901.

Permits

Permits required for construction of the transmission line may include the following:

Federal

U.S. Forest Service

- Special use permit
- Permit for surveying the right-of-way

U.S. Army Corps of Engineers

- Approval of the discharge of dredged or fill materials into waters of the United States under Section 404 of the Clean Water Act
- Approval of the construction of structures or work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899.

U.S. Federal Aviation Administration

- Notice of proposed construction

State

Alaska Department of Environmental Conservation

- Certificate of Reasonable Assurance regarding discharge of dredged or fill materials into waters of the United States
- Prevention of Significant Deterioration permit for the exhaust of any fossil-fuel-burning equipment used during construction

- Open-burn permit for waste burning
- Solid waste disposal permit

Alaska Department of Fish and Game

- Habitat Protection Permits when streams are to be crossed and when other wildlife habitats are affected
- Title 16 Fish Habitat permit for disturbing anadromous fish streams

Alaska Department of Natural Resources

- Tideland lease for structures below mean high water line
- Easement for crossing Alaska State uplands
- Permit required if more than 500 gallons per day is withdrawn from any stream
- Permits required for log transfers facilities

Dated: December 28, 1994.

David D. Rittenhouse,

Forest Supervisor.

[FR Doc. 95-280 Filed 1-5-95; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-602]

Brass Sheet and Strip From Germany; Preliminary Results of Antidumping Duty Administrative Reviews

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

ACTION: Notice of preliminary results of antidumping duty administrative reviews.

SUMMARY: The Department of Commerce (the Department) has conducted administrative reviews of the antidumping duty order on brass sheet and strip from Germany. The reviews cover one manufacturer/exporter of this merchandise to the United States, Wieland Werke AG (Wieland). The periods covered are March 1, 1990 through February 28, 1991, March 1, 1991 through February 29, 1992, and March 1, 1992 through February 28, 1993. The reviews indicate the existence of dumping margins for these periods.

As result of these reviews, the Department has preliminarily determined to assess antidumping duties equal to the differences between United States price (USP) and foreign market value (FMV). We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: January 6, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam, Chip Hayes, or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5253.

SUPPLEMENTARY INFORMATION:

Background

On March 6, 1987, the Department published in the **Federal Register** (52 FR 6997) the antidumping duty order on brass sheet and strip from Germany. Based on timely requests for review, in accordance with 19 CFR 353.22(c), we initiated administrative reviews of Wieland on March 8, 1991 (56 FR 9937), March 5, 1992, (57 FR 7910) and on March 12, 1993 (58 FR 13584) for the 1990-1991, 1991-1992, and 1992-1993 periods of review (POR's) respectively. The Department is now conducting these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by these reviews are brass sheet and strip, other than leaded and tin brass sheet and strip, from Germany. The chemical composition of the products under review is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C20000 series. These reviews do not cover products the chemical compositions of which are defined by other C.D.A. or U.N.S. series. The physical dimensions of the products covered by these reviews are brass sheet and strip of solid rectangular cross section over 0.006 inches (0.15 millimeters) through 0.188 inches (4.8 millimeters) in gauge, regardless of width. Coiled, wound-on-reels (transverse wound), and cut-to-length products are included. The merchandise is classified under Harmonized Tariff Schedule (HTS) item numbers 7409.21.00 and 7409.29.20. The HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

These reviews cover one manufacturer/exporter, Wieland. The POR's are March 1, 1990 through February 28, 1991, March 1, 1991 through February 29, 1992, and March 1, 1992 through February 28, 1993.

United States Price

We based USP on purchase price (PP) and exporter's sales price (ESP), as appropriate, in accordance with section 772 of the Act. We calculated PP and ESP based on C.I.F., duty-paid prices, delivered either to independent U.S. warehouses or to the customers' premises. In accordance with section 772(d)(2) of the Act, we made deductions for movement expenses and customs duty.

For ESP transactions, we also made deductions for U.S. movement expenses, direct selling expenses, commissions, where appropriate, and indirect selling expenses.

We adjusted USP for taxes in accordance with our practice as outlined in Siliconmanganese From Venezuela; Preliminary Determination of Sales at Less than Fair Value, 59 FR 31204 (June 17, 1994) (Siliconmanganese).

No other adjustments were claimed or allowed.

Foreign Market Value

Based on a comparison of the volume of home market and third country sales, we determined that the home market was viable. Therefore, in accordance with section 773 of the Act, we

compared U.S. sales with sales of such or similar merchandise in the home market.

We calculated FMV using monthly weighted-average prices of sales of brass sheet and strip having the same characteristics as to alloy, gauge, width, temper, form, and coating. The gauge and width groupings are the same as those used in prior reviews. The model-match methodology in these reviews was the same as that used in the last administrative review (August 22, 1986 through February 29, 1988), except the Department included alloy-specific information for each transaction, instead of assigning sales into one of two alloy grade groups having above or below 70% copper content. This added specificity brings the model-match methodology into conformance with other orders on brass sheet and strip.

On January 5, 1994, the Court of Appeals for the Federal Circuit, in *The Ad Hoc Committee of AZ-NM-TX-FL Producers of Gray Portland Cement v. United States*, No. 93-1239, held that the Department could not deduct home market movement charges from FMV pursuant to its inherent power to fill in gaps in the antidumping statute. Accordingly, we now adjust for home market movement expenses under the circumstance-of-sale (COS) provision of 19 CFR 353.56 and the ESP offset provision of 19 CFR 353.56(b) (1) and (2), as appropriate. In these reviews, home market movement expenses were incurred between factory and customer, after the sale, and were therefore treated as direct COS deductions.

FMV was based on packed, delivered prices to unrelated customers in the home market, with appropriate deductions from the home market price for inland freight and insurance, credit expenses, home market packing, and rebates. We added U.S. packing to the home market price in accordance with section 773(a)(1) of the Act. For PP sales we added credit expenses to FMV, as a direct selling expense. For ESP sales we made adjustments to the home market price for indirect selling expenses, which we limited to the amount of indirect selling expenses in the United States, in accordance with 19 CFR 353.56(b)(2). In addition, we included in FMV the amount of value-added taxes collected in the home market in accordance with our practice as outlined in Siliconmanganese. We also made adjustments for differences in merchandise.

Wieland claimed that "an adjustment should be made for the per unit differences in processing expenses associated with different order size." However, Wieland did not demonstrate

to what extent these claimed adjustments affected price, or how they were related to the transactions under review. Accordingly, since we are not "satisfied that the amount of any price differential is wholly or partly due to that difference in quantities," (19 CFR 353.55), we disallowed this claimed adjustment.

No other adjustments were claimed or allowed.

Cost Test

Because allegations by petitioners in the 1990-1991 administrative review provided the Department with reasonable grounds to believe or suspect that sales in that period had been made below cost, in accordance with section 773(b) of the Act, we investigated whether Wieland sold such or similar merchandise in the home market at prices below the cost of production (COP). In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made in substantial quantities over an extended period of time, and whether such sales were made at prices which permitted recovery of all costs within a reasonable period of time in the normal course of trade.

COP was reported as the sum of costs for materials, labor, variable costs of manufacturing, factory overhead, selling and general expenses, net interest, and packing. In accordance with 19 CFR 353.51(c), we compared COP to home market prices net of discounts.

In accordance with our normal practice, when less than 10 percent of the home market sales of a model were at prices below the COP, we did not disregard any sales of that model. When 10 percent or more, but not more than 90 percent, of the home market sales of a particular model were determined to be below cost, we excluded the below-cost home market sales from our calculation of FMV, provided that these below-cost home market sales were made over an extended period of time. When more than 90 percent of the home market sales of a particular model were made below cost over an extended period of time, we disregarded all home market sales of that model in our calculation of FMV. See, for example, *Mechanical Transfer Presses from Japan*, Final Results of Antidumping Duty Administrative Review, 59 FR 9958.

To determine whether sales below cost had been made over an extended period of time, we compared the number of months in which sales below cost occurred for a particular model to the number of months in which that model was sold. If the model was sold

in fewer than three months, we did not disregard below-cost sales unless there were below-cost sales of that model in each month sold. If a model was sold in three or more months, we did not disregard below-cost sales unless there were sales below cost in at least three of the months in which the model was sold.

We compared individual home market prices with the monthly COP. We tested the home market prices on the basis of the six physical criteria used for product matches, and found that, for certain models, between 10 and 90 percent of home market sales were made at below-COP prices. Since the respondent provided no indication that these sales were at prices that would permit recovery of all costs within a reasonable period of time and in the normal course of trade, we disregarded the below-cost sales for those models, if those sales were made over an extended period of time. We used the remaining above-cost sales for comparison purposes.

For certain models, we used constructed value (CV) as the basis for FMV when there were no contemporaneous home market sales of such or similar merchandise.

We calculated CV in accordance with section 773(e) of the Act. We included the cost of materials, labor, and factory overhead in our calculations. The respondent reported selling, general, and administrative expenses (SG&A) greater than the statutory minimum of 10 percent of the cost of manufacture (COM). Therefore, we used the respondent's reported SG&A expenses. The respondent reported actual profit greater than the statutory minimum of eight percent of the sum of the COM and SG&A. Therefore, we used the respondent's reported profit amounts. We adjusted the CV for warranty and credit expenses, and the lesser of home market indirect selling expenses or U.S. commissions.

No other adjustments were claimed or allowed.

Preliminary Results of the Reviews

As a result of our comparison of USP to FMV, we preliminarily determine that the following dumping margins exist for the periods of review:

Review period	Manufacturer/exporter	Margin (Percent)
3/1/90-2/28/91	Wieland	3.33
3/1/91-2/29/92	Wieland	2.07
3/1/92-2/28/93	Wieland	0.36

Any interested party may request a hearing within 10 days of publication of

this notice. Any hearing will be held 44 days after the date of publication or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish a notice of the final results of these administrative reviews, which will include the results of its analyses of issues raised in any such case briefs or hearing.

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered or withdrawn from warehouse for consumption on or after the publication date of the final results of these administrative reviews, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed company shall be those rates established in the final results of these reviews; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in these reviews, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in these or any previous reviews by the Department, the cash deposit rate will be 8.87%, the all others rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during these review periods. 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.

These administrative reviews and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 23, 1994.
Susan G. Esserman,
Assistant Secretary for Import Administration
 [FR Doc. 95-347 Filed 1-5-95; 8:45 am]
 BILLING CODE 3510-DS-P

[A-549-809]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand

Correction

In notice document 94-24539 beginning on page 50568, in the issue of Tuesday, October 4, 1994, make the following corrections:

1. On page 50568, in the third column, under *Case History*, in the third paragraph, in the third line, "Asahi" should read "Awaji."
2. On page 50570, in the second column, under *Suspension of Liquidation*, after the second paragraph, under the heading "Manufacturer/Producer/Exporter," "Asahi" should read "Awaji."

Dated: December 26, 1994.
Barbara R. Stafford,
Acting Assistant Secretary for Import Administration.
 [FR Doc. 95-348 Filed 1-5-95; 8:45 am]
 BILLING CODE 3510-DS-M

[A-570-820]

Certain Compact Ductile Iron Waterworks Fittings and Glands From the People's Republic of China: Notice of Court Decision; Exclusion From the Application of the Antidumping Duty Order, in Part; Termination of Administrative Review in Part; and Amended Final Determination and Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.
ACTION: Notice of amendment to final determination of sales at less-than-fair-value, exclusion from the application of the Antidumping Duty Order, and termination of administrative review in accordance with decision upon remand.

SUMMARY: On November 15, 1994, the United States Court of International Trade (CIT) affirmed the Department's September 30, 1994, remand determination which was not contested by defendant-intervenor, The U.S. Waterworks Fittings Producers Council, *et al.*; and entered Final Judgment with prejudice. See *China National Metal Products Import and Export Corporation*