

228 acres. Forest Service review of the project is required to minimize impacts to natural resources, to develop an approved plan of operations pursuant to regulations at 36 CFR 228, and to coordinate permitting with other state and federal agencies. Alpine County will review the proposal for a Conditional Use Permit consistent with planning and zoning and for consistency with California's Surface Mining and Reclamation Act. Alpine County and Forest Service will act as joint lead agencies for the project review. Scoping of interested agencies began with a meeting on January 24, 1995. Public comments will be requested through notices published in the Reno Gazette-Journal, Douglas County Record-Courier, Alpine Enterprise, Nevada Appeal, and Tahoe Daily Tribune, through direct mailings, and through a public meeting to be held at Turtle Rock Park, Alpine County on February 22, 1995. Copies of the proposed operating plan may be viewed at the Carson and Bridgeport Ranger District offices (Carson City, NV and Bridgeport, CA), and at the Forest Supervisor's office (Sparks, NV). Forest Service and Alpine County evaluated a similar project at the same location in 1982. An environmental assessment/ environmental (EA/EIR) impact report was written, and the project approved but never implemented. Copies of the 1982 EA/EIR are available for review at the Forest Supervisor's office, and at the Carson and Bridgeport Ranger Districts. Preliminary issues associated with the project are water quality in Monitor Creek and the East Fork of the Carson River, impacts to wetlands, reclamation of disturbed areas, public safety, and socioeconomic impacts. Alternatives will be formulated which address these and any other issues generated by scoping; the no action alternative will also be analyzed. A draft EIS/EIR is anticipated for release in January of 1996.

Several government agencies will be invited to participate in this project as cooperating or participating agencies. These agencies include, but are not limited to, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, California Regional Water Quality Control Board, California Dept. of Fish and Game and California Dept. of Transportation. Additional federal, state, and local permits and licenses may be required to implement the proposed action. These may include, but are not limited to, a Section 404 permit, Water Pollution Control Permit, Reclamation Permit for Mining

Operations, and a General Discharge Permit for Stormwater.

The Forest Service is the lead federal agency for this project and R.M. "Jim" Nelson, Forest Supervisor of the Toiyabe National Forest is the responsible official. The Draft EIS is expected to be filed with the U.S. Environmental Protection Agency (EPA) and be available for review in January of 1996. At that time, EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be at least 45 days from the date the EPA's notice of availability appears in the **Federal Register**.

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 draft environmental impact statements 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 draft environmental impact stage but that are not raised until after completion of the final environmental impact statement 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. Supp. 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 environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement 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 draft environmental impact statement or the merits of the alternatives formulated or 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.

Dated: January 31, 1995.

Gary Sayer,

Deputy Forest Supervisor, Toiyabe National Forest.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-821-805, A-821-806, A-823-806]

Notice of Amended Preliminary Determinations of Sales at Less Than Fair Value: Antidumping Duty Investigations of Pure and Alloy Magnesium From the Russian Federation and Pure Magnesium From Ukraine

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

EFFECTIVE DATE: February 8, 1995.

FOR FURTHER INFORMATION CONTACT: Dorothy Tomaszewski, Mark Wells, or Erik Warga, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., 20230; telephone (202) 482-0631, 482-3003 or 482-0922.

Scopes of Investigations

These investigations cover pure and alloy primary magnesium. The scopes are fully described in the preliminary determinations (*see Notice of Preliminary Determinations of Sales at Less Than Fair Value: Pure and Alloy Magnesium from the Russian Federation* (59 FR 55427, November 7, 1994) and *Notice of Preliminary Determination of Sales at Less Than Fair Value: Pure Magnesium from Ukraine* (59 FR 55420, November 7, 1994)).

Case History

On October 27, 1994, the Department of Commerce ("the Department") made its affirmative preliminary determinations of sales at less than fair value in the above-cited investigations concerning subject merchandise from Russia and Ukraine. The petitioners, on November 14, 1994, alleged that the Department made several ministerial errors in those preliminary determinations and requested that the Department correct these ministerial errors accordingly.

On December 22, 1994, the Department found that the petitioners' allegations relating to the use of the initiation margins, as recalculated by the Department, as best information

available ("BIA") for non-cooperative respondents and in the weighted-average calculations of the "all others" rate, involved calculation errors that were ministerial in nature. However, the Department determined that these errors did not warrant correction since such correction did not result in a combined change of at least 5 absolute percentage points in, and no less than 25 percent of, any of the original preliminary dumping margins—the threshold for amending our preliminary determination.

On January 4, 1995, the petitioners contested the Department's finding, stating that the ministerial errors did, in fact, result in a combined change of at least 5 absolute percentage points in, and no less than 25 percent of, any of the original preliminary dumping margins and, therefore, require correction in amended preliminary determinations. The petitioners are correct.

Amendment of Preliminary Determinations

The Department is amending its preliminary determinations. Set forth below is the basis for the amended preliminary determinations concerning the recalculation of the initiation margin as it relates to both the BIA rate for non-cooperative respondents and the "all others" rate.

It is not our normal practice to amend preliminary determinations since these determinations only establish estimated margins, which are subject to verification and which may change in the final determination. However, the Department has stated that it will amend a preliminary determination to correct for significant ministerial errors. (*See Amendment to Preliminary Determination of Sales at Less Than Fair Value: Certain Welded Stainless Steel Pipes from Taiwan*, 57 FR 33492 (July 29, 1992)).

Russia

In the preliminary determinations for both pure and alloy magnesium from Russia, the highest margins for each class or kind (*i.e.*, pure or alloy) of subject merchandise in the petition, as recalculated by the Department at initiation to account for errors in arithmetic and/or methodology, were assigned as BIA for non-cooperative respondents. In turn, the company-specific BIA margins were among the margins used in calculating the "all others" rate. Certain factor values, based on prices in the United States, were not included in the recalculation of the petition margin at initiation because (1) petitioners failed to follow the

Department's established hierarchy with respect to factor valuation, and (2) petitioners provided no basis for determining that the United States values were representative of the appropriate surrogate country values. Specifically, no value for factory overhead was included in the constructed value calculation on which the initiation margins for pure and alloy magnesium from Russia are based. In addition, values for four inputs, fluorspar, magnesium chloride, sodium chloride, and barium chloride, as well as a value for packing, were not included in the initiation margin calculations. Therefore, the petitioners argued that the Department's recalculations result in the understatement of the margin assigned as BIA to non-cooperative respondents and in the understatement of the margin used in calculating the "all others" rate as well.

The Department considers the omission of certain factor values in the recalculated margins from the petition to be ministerial errors. Because correction of this error would result in a change of at least 5 absolute percentage points in, but not less than 25 percent of, the BIA margins in the preliminary determinations for pure and alloy magnesium from Russia, this error constitutes a significant ministerial error.

The omission of factory overhead has been corrected by applying the Brazilian surrogate percentage value for factory overhead to the petition's total cost of manufacture and the resulting figure was included in the petition's margin calculation. Selling, general and administrative (SG&A) expenses and profit in the petition's margin calculations for pure and alloy magnesium from Russia were also recalculated accordingly to account for factory overhead. In addition, the Brazilian surrogate value for fluorspar as a flux additive was also included in the revised margin assigned as BIA for non-cooperative respondents and used in the calculation of the "all others" rate. The petitioners requested that the missing factor values be based on U.S. experience reported in the petition. However, the factor values in the petition were already determined by the Department to be inappropriate. Accordingly, the Department is applying the surrogate values, which more reasonably reflect the value of these factors in the production process.

No values were included for magnesium chloride, barium chloride, or sodium chloride since those factors were never considered in the petition's margin calculations. In addition,

packing could not be valued since the petition provided no specific quantity data on the factor for determining an appropriate unit value.

Ukraine

In the preliminary determination for pure magnesium from Ukraine, the highest margin in the petition, as recalculated by the Department at initiation to account for errors in arithmetic and/or methodology, was assigned as BIA for non-cooperative respondents. In turn, the company-specific BIA margins were among the margins used in calculating the "all others" rate.

Furthermore, in calculating Gerald Metals' margin for pure magnesium from Ukraine, the BIA margin, based on this recalculated initiation margin, was applied to certain U.S. sales transactions of subject merchandise produced by an uncooperative respondent, Zaporozhye.

Certain factor values, based on prices in the United States, were not included in the recalculation of the petition margin at initiation because (1) petitioners failed to follow the Department's established hierarchy with respect to factor valuation, and (2) petitioners provided no basis for determining that the United States values were representative of the appropriate surrogate country values. Specifically, no values for factory overhead and two material inputs used in the production of the subject merchandise were included in the constructed value calculation on which the petition margin for pure magnesium was based. Therefore, petitioners argued, the Department's recalculation of the petition margin resulted in the understatement of the margin assigned as BIA to non-cooperative respondents, in the understatement of the "all others" rate, and in the understatement of Gerald Metals' calculated margin.

The Department considers the omission of certain factor values in the recalculated petition margin to be a ministerial error. Because correction of this error would result in a change of at least 5 absolute percentage points in, but not less than 25 percent of, the BIA margin in the preliminary determination for pure magnesium from Ukraine, this error constitutes a significant ministerial error.

The ministerial error has been corrected by applying the percentage value for factory overhead used in the preliminary determination margin calculations (which was the factory overhead rate from the petition because a surrogate value for factory overhead from either Indonesia or Egypt could not be found) to the petition's total cost of

manufacture and the resulting figure was added to the constructed value in the petition's margin calculation. Selling, general and administrative (SG&A) expenses and profit in the petition's margin calculations for pure magnesium from Ukraine were also recalculated accordingly to account for factory overhead. In addition, the Indonesian surrogate value for one of the missing input values was also figured in the revised margin calculation. The petitioners requested that the missing material values be based on material values originally reported in the petition. However, the petition's unit value for one of the material inputs at issue was already determined by the Department to be inappropriate. Accordingly, the Department determined that the surrogate value for the factor more reasonably reflects the value of the factor in the production process.

The other material input in question could not be valued since the petition provided no specific quantity data or description of the factor for determining an appropriate unit value.

Addenda to Preliminary Determinations

In our October 27, 1994, preliminary determinations in these proceedings, we stated that we would impose company-specific duty deposit rates on certain non-participating mandatory respondents whose identities were business proprietary and thus could not be disclosed. Subsequent to publication of those determinations, we were informed by the U.S. Customs Service that it could not administer suspension-of-liquidation instructions that involved unidentified companies. Accordingly, we did not assign company-specific deposit rates to these companies; instead, entries of merchandise sold by these companies are subject to the "All Others" deposit rate.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct the U.S. Customs Service to continue to require cash deposit or posting of bond on all entries of subject merchandise from Russia and Ukraine for non-cooperative respondents and for "all others" at the newly calculated rates, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The suspension-of-liquidation will remain in effect until further notice. The revised company-specific BIA margins for non-cooperative respondents and the "all others" rate as well as Gerald Metals'

revised margin for pure magnesium from Ukraine are as follows:

	Pure magnesium (percent)	Alloy magnesium (percent)
Russia:		
F&S	100.25	153.65
W&O Bergmann	100.25	153.65
Derek Raphael & Co.	100.25	153.65
Marco Trading	100.25	153.65
Wogen Group	100.25	153.65
Alex	100.25	153.65
"All others"	94.30	153.65
Ukraine:		
Gerald Metals	83.32	
Alusuisse-Lonza	104.27	
Derek Raphael	104.27	
Marco Trading	104.27	
Wogen Group	104.27	
Alex	104.27	
Mages	104.27	
F&S	104.27	
"All others"	99.81	

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the amended preliminary determinations. If our final determinations are affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry, before the later of 120 days after the date of the original preliminary determinations (October 27, 1994) or 45 days after our final determinations.

This notice is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: January 31, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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[A-201-504]

Porcelain-on-Steel Cooking Ware From Mexico; Amendment to Final Results of Antidumping Administrative Review

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

ACTION: Notice of amendment to final results of Antidumping Duty Administrative Review.

SUMMARY: We are amending the final results of our administrative review of the antidumping duty order on porcelain-on-steel cooking ware from Mexico, published on January 9, 1995 (60 FR 2378). The amended notice reflects the correction of a ministerial

error made in the calculation of cost of production in the final results. We are publishing this amendment in accordance with 19 CFR 353.28(c).

EFFECTIVE DATE: February 8, 1995.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Rick Herring, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

The review covered two exporters, CINSA, S.A., and Acero Porcelanizado, S.A. (APSA), and the period December 1, 1990 through November 30, 1991. The Department of Commerce (the Department) published the preliminary results on February 11, 1994 (59 FR 6616), and the final results on January 9, 1995 (60 FR 2378) of its administrative review of the antidumping duty order on porcelain-on-steel cooking ware from Mexico (58 FR 43327).

Scope of Review

Imports covered by this review are shipments of porcelain-on-steel cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7323.94.00. Kitchenware currently entering under HTS item number 7323.94.00.30 is not subject to the order. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Amendment of Final Results

On January 13, 1995, CINSA, S.A., alleged that the Department made a clerical error in calculating the cost of production. CINSA argues that, in accounting for the effects of inflation on depreciation expense, the Department overstated the cost of production by applying an incorrect factor to fixed overhead expense.

Petitioner argues that the Department accurately implemented its intention in calculating the cost of production.

We agree with CINSA. We reviewed our calculation and have determined that the computer instructions applied an incorrect factor to total fixed overhead. Our intent was to account only for the effects of inflation on depreciation expense because all other