

**DEPARTMENT OF AGRICULTURE****Forest Service****Rio Sabana Day Use Picnic Area, Caribbean National Forest, Naguabo, Puerto Rico; Revised Notice of Intent To Prepare an Environmental Impact Statement**

**AGENCY:** Forest Service, USDA.

**ACTION:** Revised notice.

**SUMMARY:** This notice is to announce that the Caribbean National Forest is revising the date for filing a Draft Environmental Impact Statement (DEIS) for the Rio Sabana Day Use Picnic Area; and that the USDA Forest Service and the Puerto Rico Department of Transportation and Public Works have agreed to act as joint lead agencies in the preparation of the EIS. This revises the notice of intent for this project, originally published in the **Federal Register** on Friday, September 18, 1998, Vol. 63, No. 181, pp. 49894–49895, and revised notices of intent published December 21, 1998, Vol. 63, No. 244, pp. 70385–70386; and December 28, 1998, Vol. 63, No. 248, pp. 71441–71442. The agency expects to file a DEIS with the Environmental Protection Agency (EPA) and make it available for public comment March 2001.

**DATES:** Comments on the DEIS, to be considered in the preparation of the Final Environmental Impact Statement (FEIS), must be received 45 days following the publication of notice of availability of the DEIS.

**ADDRESSES:** Send written comments to Ricardo Garcia, Forest Planner; Caribbean National Forest, P.O. Box 490, Palmer, Puerto Rico 00721.

**FOR FURTHER INFORMATION CONTACT:** Ricardo Garcia, Forest Planner, 787–888–5640.

**SUPPLEMENTARY INFORMATION:** The Caribbean National Forest is proposing to develop a day use picnic area located in the vicinity of the Rio Sabana Bridge, on Highway PR 191 at Km. 20.0, in the Cubuy Sector of the Municipality of Naguabo, and to reconstruct the Rio Sabana Trail (approximately 2.5 miles). In order to provide vehicular access to the proposed picnic area, the Puerto Rico Department of Transportation and Public Works is proposing to reconstruct the section of Highway PR 191 from Km. 21.3 to Km. 20.0 (approximately 0.8 miles), that is currently closed to public traffic.

Scoping actions which have been completed to date include: (1) a field trip to the site with local residents, elected officials, and agency representatives (2/4/98); (2) a meeting

with interested parties at a local residence (2/23/98); (3) a meeting with Rep. Robert Baez, Puerto Rico House of Representatives (8/28/98); and (4) mailing of scoping letters to approximately 75 potentially interested individuals, organizations and government agencies (12/98).

The following preliminary issues have been identified through scoping; (1) lack of developed recreation sites and trails on the south side of the Forest; (2) inadequate budget for operation and maintenance of additional recreation facilities on the Forest; (3) possible adverse impacts on wilderness values; (4) possible adverse impacts on primary forest and endangered, threatened or sensitive plants or animals; (5) potential for increased soil erosion and stream sedimentation; (6) possible improvement in water quality due to providing toilets at the site which is receiving heavy recreation use; (7) possible adverse impacts on cultural resources; (8) potential for increased traffic congestion on Highway PR 191; and (9) potential to increase law enforcement and public safety problems.

A DEIS is expected to be available for public review, beginning about March 2001. The comment period on the DEIS will be 45 days from the date the EPA publishes the notice of availability 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 DEIS, 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, (1978). Also, environmental objections that could be raised at the DEIS stage, but that are not raised until after completion of the FEIS, 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 comment period (45 days after publication in the **Federal Register** of the notice of availability of the DEIS, estimated to be March 2001) 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 FEIS.

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.

After the comment period on the DEIS ends, the comments will be analyzed, considered, and responded to by the Forest Service in preparing the FEIS. The Responsible Official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making a decision. The Responsible Official will document the decision and rationale for the decision in a Record of Decision.

The decision will be subject to appeal in accordance with 36 CFR Part 215. The Responsible Official is: Pablo Cruz, Forest Supervisor, Caribbean National Forest, P.O. Box 490, Palmer, Puerto Rico 00721.

Dated: December 1, 2000.

**Pablo Cruz,**

*Forest Supervisor.*

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**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

(Docket 71–2000)

**Foreign-Trade Zone 50, Long Beach, CA; Proposed Foreign-Trade Subzone; ARCO Products Company, (Oil Refinery Complex); Long Beach, CA, Area**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Harbor Commissioners of the City of Long Beach, grantee of FTZ 50, requesting special-purpose subzone status for the oil refinery complex of Atlantic Richfield Company (ARCO), a wholly-owned subsidiary of BP America, located in the Long Beach, California, area. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations

of the Board (15 CFR part 400). It was formally filed on December 14, 2000.

The ARCO refinery complex (854 acres) is located at 7 sites in the Long Beach area (Los Angeles County), California: *Site 1* (268,000 BPD capacity, 6.7 million barrel capacity, 646.5 acres)—main refinery complex, located at 1801 East Sepulveda Blvd., some 25 miles south of downtown Los Angeles; *Site 2* (5.5 acres)—Berth 121 of Terminal 1, Long Beach Harbor, for receiving crude oil; *Site 3* (24 tanks, 1.7 million barrel capacity, 19 acres)—Terminal 2, Long Beach Harbor, crude oil and product storage; *Site 4* (27 tanks, 2.1 million barrel capacity, 73 acres)—Hynes facility for crude and product storage, located at 5900 Cherry Avenue, Long Beach, some 4 miles northwest of the refinery; *Site 5* (4 tanks, 1.2 million barrel capacity, 15 acres)—“Southern California Edison-Long Beach” leased storage facility, located at 2665 Seaside Blvd., Long Beach, some 6 miles south of the refinery; *Site 6* (12 tanks, 3.6 million barrel capacity, 75 acres) “Southern California Edison-Dominguez” leased storage facility, 2500 East Victoria, Compton, some 5 miles northeast of the refinery; and *Site 7* (20 tanks, 1 million barrel capacity, 20 acres)—Hathaway terminal, 2350 Hathaway Drive, Signal Hill, some 5 miles east of the refinery.

The refinery (920 employees) is used to produce fuels and petrochemical feedstocks. Fuel products include gasoline, jet fuel, distillates, residual fuels, naphthas and motor fuel blendstocks. Petrochemical feedstocks and refinery by-products include methane, ethane, propane, propylene, butane, petroleum coke and sulfur. Some 15 percent of the crude oil (91 percent of inputs) is sourced abroad. The application also indicates that the company may in the future import under FTZ procedures some naphthas, virgin gas oil, natural gas condensate, and motor fuel blendstocks.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the Customs duty rates that apply to certain petrochemical feedstocks and refinery by-products (duty-free) by admitting incoming foreign crude oil in non-privileged foreign status. The duty rates on inputs range from 5.25¢/barrel to 10.5¢/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to

investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below.

The closing period for their receipt is February 26, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to March 13, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, Export Assistance Center, One World Trade Center, Suite 1670, Long Beach, CA 90831;

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 4008, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: December 15, 2000.

**Dennis Puccinelli,**

*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 69-2000]

#### Request for Manufacturing Authority within Proposed Foreign-Trade Zone, Caterpillar Inc. (Construction Equipment), Waco, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Waco (Texas), which has an application pending for Foreign-Trade Zone status, requesting authority on behalf of Caterpillar Inc. (Caterpillar) for the manufacture/processing of off-road articulated dump trucks under FTZ procedures within Site 2 of the proposed FTZ. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on December 12, 2000.

Caterpillar operates a 103-acre facility (110 employees projected) within the proposed foreign-trade zone for the manufacture/processing of off-road articulated dump trucks (imported duty-free under HTSUS heading 8704.10.50). Currently, components purchased from foreign sources comprise up to 48 percent of the finished product's value.

The company indicates that the following foreign components will be admitted initially under FTZ procedures: cabs, axles, radial tires, and dump bodies (duty rates on these imported components currently range from 2.5 to 4.0 percent). Caterpillar also indicates that other components will be purchased from abroad as the company progresses with its planned transfer of additional production stages to the Waco site.

This application requests authority to allow Caterpillar to conduct the activity under FTZ procedures, which would exempt the company from Customs duty payments on the foreign components used in export activity. On its domestic sales, the company would be able to choose the duty rate that applies to finished dump trucks (duty free) for foreign components, such as those noted above. The company would also be exempt from duty payments on foreign merchandise that becomes scrap/waste. FTZ procedures would also exempt certain merchandise from certain *ad valorem* inventory taxes. The application indicates that the savings would help improve the facility's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 26, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 13, 2001.

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4008, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Greater Waco Chamber of Commerce, 101 South University Parks Drive, Waco, TX 76701

Dated: December 15, 2000.

**Dennis Puccinelli,**

*Executive Secretary.*

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