

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 process 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 statement 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 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.).

Dated: February 15, 1996.

Gene R. Cyrus,

Acting Forest Supervisor.

[FR Doc. 96-4511 Filed 2-27-96; 8:45 am]

BILLING CODE 3410-11-M

Small Business Timber Sale Set-Aside Program; Notice and Comment Opportunity on Recomputation of Shares

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Forest Service gives notice that it has revised its internal administrative direction in Forest Service Handbook 2409.18 regarding recomputation of shares under the Small Business Timber Sale Set-Aside Program to provide a procedure for

timber industry review and comment prior to a final decision on recomputed shares. This prior notice and comment opportunity is intended to respond to industry's concerns about losing the privilege of administrative appeal of recomputation decisions when agency appeal regulations at 36 CFR parts 215, 217, and 251 were revised in response to statutory direction in 1992. The new procedures have been issued as Interim Directive Number 2409.18-96-1.

EFFECTIVE DATE: The Interim Directive was effective February 9, 1996.

ADDRESSES: Single copies of the Interim Directive may be obtained by calling or writing local Forest Service offices as listed in 36 CFR 200.4, by telephoning the person listed under **FOR FURTHER INFORMATION CONTACT** or by writing Director, Timber Management, (3NW Aud. Bldg.), USDA Forest Service, P.O. Box 96090, Washington, DC 20090-6090.

FOR FURTHER INFORMATION CONTACT: Rod Sallee, Timber Management Staff, (202) 205-1766.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service Small Business Timber Sale Set-Aside Program was adopted July 26, 1990 (55 FR 30485). The agency administers the program in cooperation with the Small Business Administration (SBA) under the authorities of The Small Business Act, The National Forest Management Act of 1976, and SBA's regulations at Part 121 of Title 13 of the Code of Federal Regulations (13 CFR part 121). The program is designed to ensure that small business timber purchasers have the opportunity to purchase a fair proportion of National Forest System timber offered for sale.

Direction to guide administration of the Set-Aside Program is issued in Forest Service Manual (FSM) Chapter 2430 and Chapter 90 of Forest Service Timber Sale Preparation Handbook (FSH 2409.18). The Program requires the Forest Service to recalculate the shares of timber sales to be set-aside for small business, based on the actual history of harvest and/or purchase by small business every 5 years. Shares also must be recomputed, if there is a change in manufacturing capability, if purchaser size class changes, or if certain purchasers discontinue operations.

Prior to 1992, there was opportunity for administrative appeal of decisions associated with recomputation of new shares. In 1992, the agency adopted new administrative appeal procedures at 36 CFR part 215 in response to new

statutory direction. Under the rules adopted at 36 CFR part 215, the Forest Service appeal process no longer covers decisions related to the recomputation of shares under the Small Business Set-Aside Program, because these decisions are not subject to National Environmental Policy Act regulations or procedures. These decisions also are not conditions of special use authorizations appealable under 36 CFR part 251, subpart C.

The small business share decision is based on technical information from the harvest and/or sales history of defined market areas and other information. Rather than providing a separate appeal procedure that allows challenge of decisions, the agency believes the decisionmaking process will be improved by allowing purchasers the opportunity to review and comment on proposed changes in shares and by allowing the decisionmaker to consider these comments in making the final decision. Accordingly, at Section 91.19 of FSH 2409.18, the agency has established procedures for giving notice to the affected timber purchasers in the area, for obtaining and considering comment, and for documenting the comments received and the agency's response as part of the final decision. The Interim Directive establishing these procedures as issued to Forest Service employees is set out at the end of this notice.

Dated: February 15, 1996.

Gray F. Reynolds,

Deputy Chief for National Forest System.

!!ID 2409.18-96-1

Expiration Date: 8/9/97

Forest Service Handbook

Washington, D.C.

FSH 2409.18—Timber Sale Preparation Handbook

Interim Directive: 2409.18-96-1.

Effective Date: February 9, 1996.

Expiration Date: August 9, 1997.

Chapter: 90—Programs With Small Business Administration.

Posting Notice: Last ID was 2409.18-95-2 to chapter 40.

This interim directive (ID) establishes new procedures at section 91.19 for giving timber purchasers notice and opportunity to comment on proposed share recomputations for the timber sale set-aside program. With adoption of the administrative appeal rules at 36 CFR part 215, share recomputation decisions were no longer appealable. These procedures in section 91.19 reinstate an opportunity for purchaser involvement in the recomputation decision.

Sterling J. Wilcox,

Acting Deputy Chief.

91.19—Establishing New Small Business Shares. Request review of all scheduled,

periodic market share recomputations as well as any recomputation arising from a determination of structural change from the Small Business Administration (SBA) Regional Representative. If there are any disagreements between the SBA representative and the Forest Supervisor, refer the matter to the Regional Forester for resolution before giving notice of the proposed share recomputation to timber purchasers.

Following the review by the Small Business Administration, the responsible line officer shall take the following actions:

1. Give direct notice of the proposed new share to all timber purchasers on bidders' lists within the affected area, and invite their comment.

- a. Advise the timber purchasers of the information used in recomputing shares and invite comment on the information used by the agency or on information that purchasers believe should have been considered. Also advise timber purchasers of the location where they can inspect the information used.

- b. All comments postmarked within 30 calendar days following the date of mailing must be considered in arriving at the final share decision.

2. Following the 30-day review and comment period, consider the comments, make adjustments as may be appropriate, and prepare a letter or other document setting forth the final decision.

3. Give notice of the final decision to all purchasers on the bidders' lists within the affected area. Be sure to include a statement that the decision is not subject to administrative appeal. Make any new share effective at the beginning of the first 6-month analysis period following the decision to implement it.

4. In the notice of the final decision or an attachment to it, summarize the comments received, identify the number of persons who or entities that provided comments, and provide the deciding official's response to them.

[FR Doc. 96-4495 Filed 2-27-96; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

(Docket 12-96)

Foreign-Trade Zone 116—Beaumont, Texas; Application for Subzone Status, Clark Refining and Marketing, Inc. (Oil Refinery Complex), Jefferson County, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign Trade Zone of Southeast Texas, Inc., grantee of FTZ 116, requesting special-purpose subzone status for the oil refinery complex of Clark Refining and Marketing, Inc., located in Jefferson County, Texas. 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 February 16, 1996.

The refinery complex (5,079 acres, 855 employees) consists of 4 sites and related pipelines in Jefferson County, Texas: *Site 1* (3,975 acres)—main refinery complex (215,000 BPD) located at 1801 S. Gulfway Drive, 3 miles southwest of Port Arthur; *Site 2* (775 acres)—Lucas/Beaumont Terminal storage facility (1.7 mil. barrels) located at 9405 West Port Arthur Road, 15 miles northwest of the refinery; *Site 3* (243 acres)—Fannett LPG storage terminal (3 mil. barrels) located at 16151 Craigen, near Fannett, some 25 miles west of the refinery; and *Site 4* (86 acres)—Port Arthur Products storage facility (1.8 mil. barrels) located at 1825 H.O. Mills Road, 4 miles northwest of the refinery. The refinery, storage facilities and pipelines operate as an integral part of the refinery complex.

The refinery complex is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, distillates, diesel, and residual fuels. Petrochemical feedstocks include methane, ethane, propane, butane, butylene, propylene. Refinery by-products include sulfur and petroleum coke. About 65 percent of the crude oil (95 percent of inputs), and some feedstocks and motor fuel blendstocks used in producing fuel products are sourced abroad.

Zone procedures would exempt the operations involved from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from duty-free 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 April 29, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 14, 1996).

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 District Office, #1 Allen Center, Suite 1160, 500 Dallas, Houston, Texas 77002.
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: February 22, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96-4546 Filed 2-27-96; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

[A-588-838]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Clad Steel Plate From Japan

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

EFFECTIVE DATE: February 28, 1996.

FOR FURTHER INFORMATION CONTACT: Ellen Grebasch or Erik Warga, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone: (202) 482-3773 or (202) 482-0922, respectively.

The Applicable Statute:

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

Preliminary Determination:

As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996, the Department of Commerce (the Department) has exercised its discretion to toll all deadlines for the duration of the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 16, 1995, through January 6, 1996. Thus, all deadlines in this investigation have been extended by 28 days, *i.e.*, one day for each day (or partial day) the Department was closed. As such, the deadline for this preliminary determination was to be no later than April 4, 1996. However, because the sole respondent in the investigation