

provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR part 1320 do not apply.

Dated: December 5, 2005.

**Dale N. Bosworth,**  
Chief.

### Text of Proposed Directive

**Note:** The Forest Service organizes its directive system by alpha-numeric codes and subject headings. Only the section of the FSH 1909.15, Environmental Policy and Procedures Handbook, affected by this proposed directive is included in this notice. Please note, however, that category 15 (para. 16) is reserved. A notice for comment was published for category 16 on January 5, 2005 (70 FR 1062). A final directive for this CE has not been adopted as of the date of publication of this **Federal Register** notice. The complete text of FSH 1909.15, Chapter 30 may be obtained by contacting the individuals listed in **FOR FURTHER INFORMATION CONTACT** or from the Forest Service home page on the World Wide Web at <http://www.fs.fed.us/im/directives/fsh/1909.15/1909.15.30.txt>. The intended audience for this direction is Forest Service employees charged with planning and administering oil and gas exploration and development projects on NFS lands under Federal lease.

### FSH 1909.15—Environmental Policy and Procedures Handbook Chapter 30—Categorical Exclusion from Documentation

Add new paragraphs 16 and 17 as follows:

#### 31.2—Categories of Action for Which a Project or Case File and Decision Memo Are Required

Routine, proposed actions within any of the following categories may be excluded from documentation in an EIS or an EA; however, a project or case file is required and the decision to proceed must be documented in a decision memo (sec. 32). As a minimum, the project or case file should include any records prepared, such as: The names of interested and affected people, groups, and agencies contacted; the determination that no extraordinary circumstances exist; a copy of the decision memo (sec. 05); and a list of the people notified of the decision. Maintain a project or case file and prepare a decision memo for any of the categories of actions set forth in section 21.21 through 31.23.

\* \* \* \* \*

16. [Reserved]

17. Approval of a Surface Use Plan of Operations for oil and natural gas exploration or development activities within a new oil and/or gas field, so long as the approval will not authorize

activities in excess of any of the following:

- a. One mile of new road construction
- b. One mile of road reconstruction
- c. Three miles of pipeline installation
- d. Four drill sites.

[FR Doc. 05-23983 Filed 12-12-05; 8:45 am]

**BILLING CODE 3410-11-P**

### AMERICAN BATTLE MONUMENTS COMMISSION

#### SES Performance Review Board

**AGENCY:** American Battle Monuments Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the ABMC Performance Review Board.

**FOR FURTHER INFORMATION CONTACT:** Theodore Gloukhoff, Director of Personnel and Administration, American Battle Monuments Commission, Courthouse Plaza II, Suite 500, 2300 Clarendon Boulevard, Arlington, Virginia, 22201-3367, Telephone Number: (703) 696-6908. American Battle Monuments Commission SES Performance Review Board Mr. Gerald W. Barnes, Chief, Operations Division, U.S. Army Corps of Engineers Mr. Donald L. Basham, Chief, Engineering & Construction, U.S. Army Corps of Engineers Mr. Stephen Coakley, Director of Resource Management, US Army Corps of Engineers

**Theodore Gloukhoff,**

*Director, Personnel and Administration.*

[FR Doc. E5-7257 Filed 12-12-05; 8:45 am]

**BILLING CODE 6120-01-P**

### DEPARTMENT OF COMMERCE

#### International Trade Administration

**A-533-810**

#### Stainless Steel Bar from India: Notice of Court Decision Not in Harmony and Continuation of Suspension of Liquidation

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

**SUMMARY:** On October 20, 2005, in *Slater Steels Corp. v. United States*, Consol. Court No. 02-00551, Slip Op. 05-137 (CIT October 20, 2005) (“*Slater III*”), a lawsuit challenging the Department of Commerce’s (“the Department”) *Notice of Amended Final Results of Antidumping Duty Administrative*

*Review: Stainless Steel Bar from India*, 67 FR 53336 (August 15, 2002) (“*Final Results*”) and the accompanying Issues and Decision Memorandum (July 5, 2002) (“*Decision Memorandum*”), the Court of International Trade (“CIT”) affirmed the Department’s third remand determination and entered a judgment order. In the remand determination, the Department did not collapse Viraj Alloys Limited (“VAL”) with Viraj Impoexpo Limited (“VIL”) and Viraj Forgings Limited (“VFL”). The Department calculated an individual antidumping duty margin for VIL/VFL. The Department did not calculate an individual antidumping duty margin for VAL because it did not export the subject merchandise to the United States during the period of review. The resulting antidumping duty margin for VIL/VFL is 0.84 percent.

Consistent with the decision of the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (“*Timken*”), the Department will continue to order the suspension of liquidation of the subject merchandise until there is a “conclusive” decision in this case. If the case is not appealed, or if it is affirmed on appeal, the Department will instruct the U.S. Customs and Border Protection (“CBP”) to liquidate all relevant entries of subject merchandise for VIL/VFL.

**EFFECTIVE DATE:** October 30, 2005.

**FOR FURTHER INFORMATION CONTACT:** Steve Williams, AD/CVD Enforcement Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4619.

#### SUPPLEMENTARY INFORMATION:

##### Background

In the underlying administrative review covering the period February 1, 2000, though January 31, 2001, the Department collapsed VAL, VIL, and VFL pursuant to 19 USC § 1677(33) and 19 CFR § 351.401(f) (2000). See *Final Results*; see also *Decision Memorandum* at Comment 1. As a collapsed entity, VAL/VIL/VFL received a *de minimis* dumping margin.

Based upon the record evidence, the Department found that VAL, VIL, and VFL “meet the regulations’ collapsing requirements.” *Decision Memorandum* at Comment 1. First, the Department found that “VAL and VIL can produce subject merchandise (*i.e.*, similar or identical products) and can continue to do so, independently or under existing leasing agreements, without substantial

retooling of their production facilities.” Id. Second, the Department found “a significant potential for the manipulation of price and production among VIL, VAL, and VFL.” Id. Slater Steels Corporation, Carpenter Technology Corporation, Electralloy Corporation, and Crucible Specialty Metals Division of Crucible Materials Corporation (collectively, the “plaintiffs”/“defendant-intervenors”) challenged this determination before the CIT, arguing that the Department misapplied its collapsing regulation.

The CIT determined that the Department’s decision to collapse VAL, VIL, and VFL was not supported by substantial evidence on the record. Therefore, the CIT remanded the *Final Results* to the Department to reconsider its analysis of the collapsing issue and, if necessary, revise the dumping margin calculation accordingly. See *Slater Steels Corp. v. United States*, 279 F. Supp. 2d 1370 (CIT August 21, 2003) (“*Slater I*”). Pursuant to the CIT’s order in *Slater I*, the Department filed its *Final Results of Redetermination Pursuant to Remand* (“*Remand I*”). In *Remand I*, the Department determined that its decision to collapse VAL, VIL, and VFL was supported by substantial evidence and in accordance with the law, and therefore, the Department did not revise its dumping margin calculations.

Upon review of *Remand I*, the CIT again remanded the *Final Results* to the Department for further review of its collapsing determination, citing certain issues for the Department to reexamine. See *Slater Steels Corp. v. United States*, Court No. 02–00551, Slip Op. 04–22 (CIT March 8, 2004) (“*Slater II*”). In response to the CIT’s instructions in *Slater II*, the Department filed its *Final Results of Redetermination Pursuant to Remand* (“*Remand II*”). In *Remand II*, the Department addressed the concerns raised by the CIT in *Slater II* and found that the decision to collapse VAL, VIL, and VFL was supported by substantial evidence and in accordance with the law, and therefore, the Department did not revise its dumping margin calculations.

Upon review of *Remand II*, the CIT again remanded the *Final Results* to the Department with specific instructions that the Department calculate individual dumping margins. See *Slater III* Slip Op. 05–137 at 15. The CIT found that the Department’s decision to collapse VAL, VIL, and VFL in the *Final Results* was not consistent with the Department’s decision not to collapse VAL, VIL, and VFL in previous reviews. See *Slater III* Slip Op. 05–137 at 15. In *Final Results of Redetermination Pursuant to Remand* (“*Remand III*”), the Department did not

collapse VAL with VIL/VFL. See *Remand III* at 5–6. The Department collapsed VIL and VFL because the plaintiffs agreed in the underlying review that VIL and VFL should be collapsed. See *Remand III* at 5. VIL/VFL’s resulting antidumping duty margin is 0.84 percent. Id. at 26. The CIT affirmed the Department’s *Remand III* on October 20, 2005. See *Slater III* Slip Op. 05–137 at 4–5.

#### Suspension of Liquidation

The Federal Circuit, in *Timken*, held that the Department must publish notice of a decision of the CIT or the Federal Circuit which is not “in harmony” with the Department’s *Final Results*. Publication of this notice fulfills that obligation. The Federal Circuit also held that the Department must suspend liquidation of the subject merchandise until there is a “conclusive” decision in the case. Therefore, pursuant to *Timken*, the Department must continue to suspend liquidation pending the expiration of the period to appeal the CIT’s October 20, 2005, decision or, if that decision is appealed, pending a final decision by the Federal Circuit.

The Department will instruct CBP to liquidate relevant entries covering the subject merchandise, in the event that the CIT’s ruling is not appealed, or if appealed and upheld by the Court of Appeals for the Federal Circuit.

Dated: December 7, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5–7275 Filed 12–12–05; 8:45 am]

**BILLING CODE 3510–DS–S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–583–816]

#### Notice of Final Results and Final Rescission in Part of Antidumping Duty Administrative Review: Certain Stainless Steel Butt–Weld Pipe Fittings From Taiwan

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

**SUMMARY:** On July 11, 2005, the Department (“the Department”) published in the **Federal Register** the preliminary results of the administrative review of the order on certain stainless steel butt–weld pipe fittings from Taiwan. See *Certain Stainless Steel Butt–Weld Pipe Fittings From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent To Rescind*

*in Part*, 70 FR 39735 (July 11, 2005) (“*Preliminary Results*”). This review covers two manufacturers/exporters of the subject merchandise. The merchandise covered by this order is certain stainless steel butt–weld pipe fittings from Taiwan as described in the “Scope of the Order” section of this notice. The period of review (“POR”) is June 1, 2003, through May 31, 2004. We gave interested parties an opportunity to comment on the preliminary results. Based upon our analysis of the comments received, we made changes to the margin calculation for one respondent. Therefore, the final results have changed from the preliminary results of this review. The final weight–averaged dumping margin is listed below in the section titled “Final Results of the Review.”

**EFFECTIVE DATE:** December 13, 2005.

**FOR FURTHER INFORMATION CONTACT:** Helen Kramer or Abdelali Elouaradia, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0405 and (202) 482–1374, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department’s preliminary results of review were published on July 11, 2005. See *Preliminary Results*. We invited parties to comment on the *Preliminary Results*. We received written comments on August 10, 2005, from Flowline Division of Markovitz Enterprise, Inc., Shaw Allow Piping Products, Inc., Gerlin, Inc., and Taylor Forge Stainless, Inc., collectively, “the petitioners.” On August 15, 2005, we received rebuttal comments from Ta Chen Stainless Pipe Co., Ltd. (“Ta Chen”) and its wholly owned U.S. subsidiary Ta Chen International, Inc. (“TCI”). The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (“the Act”).

##### Scope of the Order

The products subject to this order are certain stainless steel butt–weld pipe fittings, whether finished or unfinished, under 14 inches inside diameter. Certain welded stainless steel butt–weld pipe fittings (“pipe fittings”) are used to connect pipe sections in piping systems where conditions require welded connections. The subject merchandise is used where one or more of the following conditions is a factor in designing the piping system: (1) Corrosion of the