

alternative will be developed by modifying the proposed action to respond to the significant issues identified during the public involvement and scoping process.

Responsible Official

The Responsible Official is the Forest Supervisor of the Flathead National Forest, 650 Wolfpack Way, Kalispell, Montana 59901. The Forest Supervisor will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the final EIS, and applicable laws, regulations, and policies. The decision and rationale for the decision will be documented in a Record of Decision.

Nature of the Decision To Be Made

An environmental analysis for the Sheppard Creek Post-Fire Project will evaluate site-specific issues, consider management alternatives, and analyze the potential effects of the proposed action and alternatives. The scope of the project is limited to decisions concerning activities within the Sheppard Creek Post-Fire Project Area that meet the Purpose and Need, as well as desired conditions. An environmental impact statement will provide the Responsible Official with the information needed to decide which actions, if any, to approve.

This EIS will tier to the Flathead National Forest Land and Resource Management Plan and EIS of January 1986, and its subsequent amendments, which provide overall guidance for land management activities on the Flathead National Forest.

Scoping Process

Public questions and comments regarding this proposal are an integral part of this environmental analysis process. Comments will be used to identify issues and develop alternatives to the proposed action. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible.

Input provided by interested and/or affected individuals, organizations, and government agencies will be used to identify resource issues that will be analyzed in the draft EIS. The Forest Service will identify significant issues raised during the scoping process, and use them to formulate alternatives, prescribe project design features, and/or analyze environmental effects.

Preliminary Issues

Preliminary issues and concerns include effects of treatments on the

following: Soils, old growth and mature tree wildlife habitat, cavity nesting wildlife habitat, threatened and endangered species habitat, and potential bark beetle epidemics.

Comment Requested

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency 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 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 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: December 4, 2007.

Cathy Barbouletos,

Forest Supervisor, Flathead National Forest.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-867]

Certain Automotive Replacement Glass Windshields from the People's Republic of China: Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order Pursuant to Court Decision

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

EFFECTIVE DATE: December 11, 2007

SUMMARY: On August 3, 2007, the United States Court of International Trade ("CIT" or "Court") entered a final judgment sustaining the *Final Results of Redetermination Pursuant to Court Remand, Fuyao Glass Industry Group Co., v. United States* ("Fourth Remand Redetermination") made by the Department of Commerce ("the Department") pursuant to the CIT's remand of the final determination of the less-than-fair-value investigation of certain automotive replacement glass windshields from the People's Republic of China ("PRC") in *Changchun Pilkington Safety Glass Co., Ltd., et. al. v. United States*, Consol. Court No. 02-00312, Slip Op. 07-118 (August 3, 2007). As there is now a final and conclusive court decision in this case, the Department is amending the final determination and antidumping duty order of this investigation.

FOR FURTHER INFORMATION CONTACT: Paul Stolz or Robert Bolling, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4474 or (202) 482-3434, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 12, 2002, the Department published its *Final Determination of Sales at Less Than Fair Value: Certain Automotive Replacement Glass Windshields From the People's Republic of China*, 67 FR 6482 (February 12, 2002) ("Final Determination"), and accompanying Issues and Decision Memorandum, as amended, 67 FR 11670 (March 15, 2002), covering U.S. sales of subject merchandise during the period of investigation ("POI"), July 1, 2000, through December 31, 2000. In its *Final Determination*, the Department calculated individual rates for two mandatory respondents, Fuyao Glass Industry Group Co., Ltd. ("Fuyao") and

Xinyi Automotive Glass (Shenzhen) Co., Ltd. ("Xinyi"). The Department then assigned a separate rate to the companies that demonstrated an absence of government control over their export activities, and this rate was based on the weighted average of the rates assigned to Fuyao and Xinyi. See Section 735(c)(5) of the Tariff Act of 1930, as amended ("the Act"). Shenzhen Benxun Automotive Glass Co., Ltd. ("Benxun"), and Changchun Pilkington Safety Glass, Co., Ltd, Guilin Pilkington Safety Glass Co., Ltd., and Wuhan Yaohua Pilkington Safety Glass Co., Ltd. (collectively "Pilkington") were among the companies that received separate rates during the investigation.

In separate actions, plaintiffs, Fuyao, Xinyi, Pilkington, and Benxun¹ contested several aspects of the *Final Determination*, including the Department's decision to disregard certain market economy inputs.² On August 2, 2002, the Court consolidated these actions into Court No. 02-00282. On February 15, 2006, while the cases were consolidated, the Court remanded the Department's decision regarding certain market economy inputs to the Department. See *Fuyao Glass Industry Group Co., Ltd. v. United States*, Consol. Court No. 02-00282, 2006 Ct. Int'l Trade Lexis 21, Slip Op. 2006-21 (CIT February 15, 2006). As a result of its remand determination, the Department calculated zero margins for both Fuyao and Xinyi.

In *Fuyao Glass Industry Group Co. v. United States*, Consol. Court No. 02-00282, (Orders of November 2, 2006, and December 19, 2006), the Court then granted the Department's request for a voluntary remand and instructed the Department to devise a reasonable methodology to calculate an antidumping margin for Pilkington and Benxun, taking into consideration the zero margins assigned to Fuyao and Xinyi. On January 8, 2007, the Court severed Fuyao's and Xinyi's actions, Court Nos. 02-00282 and 02-00321, from the consolidated action, and designated Pilkington's action, Court No. 02-00312, as the lead case, under which Court Nos. 02-00319 and 02-00320 were consolidated.

On April 16, 2007, the Department filed its remand results with the Court. In its fourth remand results, the

Department devised a reasonable methodology to calculate an antidumping margin for Pilkington and Benxun, taking into consideration the zero margins assigned to Fuyao and Xinyi. Specifically, on remand, the Department identified the control numbers ("CONNUM") shared by Pilkington, Benxun, Fuyao and Xinyi, as reported in their questionnaire responses, and imputed Fuyao's and Xinyi's CONNUM-specific margins to the matching CONNUMs of Pilkington and Benxun. The Department then weight-averaged those CONNUM-specific margins, which resulted in the *de minimis* antidumping margin of 1.47 percent for Pilkington and Benxun.

On May 10, 2007, and June 28, 2007, respectively, the Court issued final judgments in Court Nos. 02-00282 and 02-00321, wherein it affirmed the Department's third remand results with respect to Fuyao's and Xinyi's actions. On August 3, 2007, the Court issued a final judgement, wherein it affirmed the Department's fourth remand results with respect to Pilkington and Benxun.

On November 7, 2007, the Department notified the public that the CIT's final judgment was not in harmony with the Department's *Final Determination*. See *Certain Automotive Replacement Glass Windshields from the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony*, 72 FR 62812 (November 7, 2007). No party appealed the CIT's decision. As there is now a final and conclusive court decision in this case, we are amending our *Final Determination*.

Amended Final Determination

As the litigation in this case has concluded, the Department is amending the *Final Determination*. The revised dumping margin in the amended final determination is as follows:

Exporter	Margin
Changchun Pilkington Safety Glass, Co., Ltd.,	
Guilin Pilkington Safety Glass Co., Ltd.,	
Wuhan Yaohua Pilkington Safety Glass Co., Ltd.	1.47 percent
Shenzhen Benxun Automotive Glass Co., Ltd.	1.47 percent

The PRC-wide rate continues to be 124.5 percent as determined in the Department's *Final Determination*. The Department intends to issue instructions to U.S. Customs and Border Protection fifteen days after publication of this notice, to revise the cash deposit rates

for the companies listed above, effective as of the publication date of this notice.

This notice is published in accordance with sections 735(d) and 777(i) of the Act.

Dated: December 3, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-337-806]

Notice of Final Results of Antidumping Duty Administrative Review, and Final Determination to Revoke the Order In Part: Individually Quick Frozen Red Raspberries from Chile

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

SUMMARY: On August 7, 2007, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on certain individually quick frozen red raspberries from Chile. The review covers seven producers/exporters of subject merchandise. We gave interested parties an opportunity to comment on the preliminary results. We have noted the changes made since the preliminary results below in the "Changes Since the Preliminary Results" section. The final results are listed below in the "Final Results of Review" section.

EFFECTIVE DATE: December 11, 2007.

FOR FURTHER INFORMATION CONTACT: David Layton or Nancy Decker, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482-0371 and (202) 482-0196, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2007, the Department of Commerce ("the Department") published the *Notice of Preliminary Results of Antidumping Duty Administrative Review, Notice of Partial Rescission of Antidumping Duty Administrative Review, Notice of Intent to Revoke in Part: Certain Individually Quick Frozen Red Raspberries from Chile*, 72 FR 44112 (August 7, 2007) (*Preliminary Results*) in the **Federal Register**.

¹ On July 20, 2004, the Department determined that Shenzhen CSG Autoglass Co., Ltd. (≥CSG≥) is the successor-in-interest to Benxun. The amended final results of this segment of the proceeding will apply to entries made by CSG on or subsequent to July 20, 2004.

² Court Nos. 02-00282, 02-00312, 02-00320 and 02-00321.