

### Scoping Process

Public participation will be especially important at several points during the analysis. The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations interested in or affected by the proposed action.

The comment period on the proposed action will extend 30 days from the date the Notice of Intent is published in the **Federal Register**.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by June 2009. EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will extend 45 days from the date the EPA notice appears in the **Federal Register**. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. It is very important that those interested in the Tule River Reservation Protection Project participate at that time.

The final EIS is scheduled to be completed in November 2009. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision. Substantive comments are defined as "comments within the scope of the proposed action, specific to the proposed action, and have a direct relationship to the proposed action, and include supporting reasons for the responsible official to consider" (36 CFR 215.2). Submission of substantive comments is a prerequisite for eligibility to appeal under the 36 CFR part 215 regulations.

### Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement.

### Early Notice of Importance of Public Participation in Subsequent Environmental Review

A draft environmental impact statement will be prepared for comment. 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 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 (ED. 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.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection. (Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21).

Dated: August 18, 2008.

**Tina J. Terrell,**

*Forest Supervisor.*

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**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Rural Business-Cooperative Service

#### Notice of a Public Meeting on Implementation of Title IX, Energy Authorities of the Food, Conservation and Energy Act of 2008

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Business and Cooperative Programs, an Agency in the Rural Development Mission Area of the United States Department of Agriculture, will hold a public meeting September 4, 2008, entitled "Expanding Rural Renewable Energy Opportunities—Inviting a Dialogue with the Public on the new authorities of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-234) ("the Act")." The purpose of this event is to gather public comments and suggestions on how to implement certain new authorities authorized under Title IX of the Act.

**DATES:** The meeting will be held on Thursday, September 4, 2008. Registration will start at 8 a.m.; the program will begin at 8:30 a.m. and conclude by 4 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held in the Jefferson Auditorium, South Agriculture Building, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC. Participants should enter the building through the 5th wing entrance of the South Building located on Independence Avenue between 12th and 14th Street. Valid photo identification is required for clearance by building security personnel.

**FOR FURTHER INFORMATION CONTACT:** Robin Robinson, Confidential Assistant, Office of the Administrator, USDA, Rural Development, Business and Cooperative Programs, Room 5803, South Agriculture Building, STOP 3201, 1400 Independence Avenue, SW., Washington, DC 20250-3201, Telephone: (202) 690-4730, E-mail: [robin.robinson@wdc.usda.gov](mailto:robin.robinson@wdc.usda.gov).

**SUPPLEMENTARY INFORMATION:** Specifically, USDA has an interest in initiating a dialogue on the following sections of Title IX of the Act:

Section numbers below refer to sections of the Farm Security and Rural Investment Act that are amended by section 9001 of the Food, Conservation, and Energy Act of 2008.

*Section 9003, Biorefinery Assistance*—Provides loan guarantees to fund the development, construction,

and retrofitting of commercial-scale biorefineries and grants to assist in paying the cost of the development and construction of demonstration-scale biorefineries. The Act provides \$75 million in fiscal year (FY) 2009 and \$245 million for FY 2010 for loan guarantee costs for the financing of commercial-scaled biorefineries. In addition, the Act authorizes appropriated funding of \$150 million for each of FY 2009–2012, for both the demonstration and commercial scaled biorefineries.

*Section 9004, Repowering Assistance*—Provides for payments to be made to biorefineries in existence at time of enactment of the Act to replace fossil fuels used to produce heat or power to operate the biorefineries with renewable biomass. The Act provides \$35 million for FY 2009, to remain available until expended. In addition, the Act authorizes additional appropriated funding in the amount of \$15 million for each of FY 2009–2012.

*Section 9005, Bioenergy Program for Advanced Biofuels*—Provides for payments to be made to eligible producers to support and ensure an expanding production of advanced biofuels. The Act provides \$55 million for FY 2009 and 2010, \$85 million for FY 2011, and \$105 million for FY 2012. In addition, the Act authorizes appropriated funding in the amount of \$25 million for each of FY 2009–2012.

*Section 9007, Rural Energy for America Program*—Expands and renames the program formerly referred to as the Renewable Energy Systems and Energy Efficiency Improvements Program. Under the expansion, hydroelectric source technologies will be added as eligible; energy audits will be included as eligible costs, and loan limits will be increased. The Act provides \$55 million for FY 2009, \$60 million for FY 2010, and \$70 million for FY 2011 and 2012. In addition, the Act authorizes additional appropriated funding in the amount \$25 million for each of FY 2009–2012.

*Section 9009, Rural Energy Self-Sufficiency Initiative*—Provides financial assistance (grants) for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities. The Act authorizes appropriated funding in the amount of \$5 million for each of FY 2009–2012.

*Section 9011, Biomass Crop Assistance Program (BCAP)*—Provides support to the establishment and production of crops for conversion to bio-energy in project areas and to assist with collection, harvest, storage, and transportation of eligible material for

use in a biomass conversion facility. The BCAP will be implemented by the Farm Service Agency with the support of other Federal and local agencies.

*Section 9012, Forest Biomass for Energy*—The Forest Service is authorized to conduct a competitive research and development program to use forest biomass for energy. Forest Service R&D and other federal agencies, state and local governments, Indian tribes, land-grant colleges and universities, and private entities are eligible to compete in the program. Priority research projects include:

- The use of low-value forest biomass for energy from forest health and hazardous fuels reduction treatment.
- The integrated production of energy from forest biomass into biorefineries or other existing manufacturing.
- The development of new transportation fuels from forest biomass.
- The improved growth and yield of trees for renewable energy production.

The Act authorizes appropriation funding in the amount \$15 million for each of FY 2009 through 2012.

*Section 9013, Community Wood Energy Program*—Reducing the Nation's dependence on foreign energy sources remains a top Administration priority. USDA Secretary Schafer is committed to increasing domestic energy production, including the development of farm- and forest-based energy sources, strengthening the economy of rural America, and reducing our dependence on imported oil. Program provides grants to State and local governments to develop community wood energy plans and to acquire or upgrade wood energy systems. The act authorizes appropriated funding in the amount of \$5 million for each of fiscal years 2009 through 2012.

#### Instructions for Participation

Although registration is encouraged, walk-ins will be accommodated to the extent that space permits. Registered participants will be given priority for making presentations prior to walk-ins. Anyone interested in the Act programs that support renewable energy development and energy efficiency improvements is encouraged to attend the public meeting. Presentations will be limited to no more than 10 minutes in duration. To register and request time for an oral statement, contact Robin Robinson, Office of the Administrator, USDA, Rural Development, Business and Cooperative Programs, Room 5803 South Agriculture Building, STOP 3201, 1400 Independence Avenue, SW., Washington, DC 20250–3201; Telephone: 202–690–4730, E-mail: robin.robinson@wdc.usda.gov.

Comments by e-mail should be in an ASCII file. Written comments should clearly identify which of the above referenced sections the comments are addressing. Anyone may attend without preregistering.

Anyone intending in making an electronic presentation must provide such presentation via e-mail to Robin Robinson no later than Friday, August 29th and bring a copy of the presentation with them on a portable electronic media to the meeting. You will be notified if USDA does not have the equipment available to permit you to make the presentation. Due to technical problems that can arise, you are advised to have a backup plan for making the presentation.

Depending on the level of interest expressed by the registered participants, certain blocks of time will be allotted for oral presentations by referenced sections mentioned in this notice.

In addition, the Department will allow written comments to be provided on the referenced Sections of Title IX of the Act up to 15 days following the date of the public meeting. These written comments should be submitted to Robin Robinson, Room 5803 SouthAgriculture Building, STOP 3201, 1400 Independence Avenue, SW., Washington, DC 20250–3201.

Copies of the presentations and any additional written comments that are received within the 15 days following the public meeting will be available for review at [http://www.usda.gov/wps/portal/!ut/p/\\_s.7\\_0\\_A/7\\_0\\_2KD?navid=FARMBILL2008](http://www.usda.gov/wps/portal/!ut/p/_s.7_0_A/7_0_2KD?navid=FARMBILL2008).

Participants who require a sign language interpreter or other special accommodations should contact Robin Robinson as directed above.

The oral and written information obtained from interested parties will be considered in implementing provisions of Sections 9003, 9004, 9005, 9007, 9009, 9011, 9012, and 9013. In order to assure that the Act is implemented to meet constituent needs, USDA, Rural Development is sponsoring a listening forum and soliciting written comments to encourage public comment in conjunction with Farm Service Agency and Forest Service participation in gathering input and comments and in making recommendations on program implementation. All comments are welcome, and no attempt will be made to establish a consensus.

#### Non-Discrimination Statement

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marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Adjudication and Compliance, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD). USDA is an equal opportunity provider, employer, and lender."

Dated: August 15, 2008.

**Thomas C. Dorr,**

*Under Secretary, Rural Development.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(C-570-942)

#### Notice of Initiation of Countervailing Duty Investigation: Certain Kitchen Appliance Shelving and Racks from the People's Republic of China

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

**EFFECTIVE DATE:** August 26, 2008.

**FOR FURTHER INFORMATION CONTACT:** Scott Holland and Yasmin Nair, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1279 and (202) 482-3813, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Petition

On July 31, 2008, the Department of Commerce (the "Department") received a petition filed in proper form by Nashville Wire Products Inc., SSW Holding Company, Inc., United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, District Lodge 6 (Clinton, IA) (the "petitioners"), domestic producers of certain kitchen

appliance shelving and racks ("kitchen shelving and racks"). In response to the Department's requests, the petitioners provided timely information supplementing the petition on August 13 and 15, 2008.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended ("the Act"), the petitioners allege that manufacturers, producers, or exporters of certain kitchen appliance shelving and racks in the People's Republic of China (the "PRC"), receive countervailable subsidies within the meaning of section 701 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that the petitioners filed the petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) and (D) of the Act and the petitioners have demonstrated sufficient industry support with respect to the countervailing duty investigation (*see* "Determination of Industry Support for the Petition" section below).

##### Period of Investigation

The period of investigation is January 1, 2007, through December 31, 2007.

##### Scope of the Investigation

The scope of this investigation consists of shelving and racks for refrigerators, freezers, combined refrigerator-freezers, other refrigerating or freezing equipment, cooking stoves, ranges, and ovens ("certain kitchen appliance shelving and racks" or "the subject merchandise"). Certain kitchen appliance shelving and racks are defined as shelving, baskets, racks (with or without extension slides, which are carbon or stainless steel hardware devices that are connected to shelving, baskets, or racks to enable sliding), side racks (which are welded wire support structures for oven racks that attach to the interior walls of an oven cavity that does not include support ribs as a design feature), and subframes (which are welded wire support structures that interface with formed support ribs inside an oven cavity to support oven rack assemblies utilizing extension slides) with the following dimensions: —shelving and racks with dimensions ranging from 3 inches by 5 inches by 0.10 inch to 28 inches by 34 inches by 6 inches; or —baskets with dimensions ranging from 2 inches by 4 inches by 3 inches to 28 inches by 34 inches by 16 inches; or —side racks from 6 inches by 8 inches by 0.1 inch to 16 inches by 30 inches by 4 inches; or

—subframes from 6 inches by 10 inches by 0.1 inch to 28 inches by 34 inches by 6 inches.

The subject merchandise is comprised of carbon or stainless steel wire ranging in thickness from 0.050 inch to 0.500 inch and may include sheet metal of either carbon or stainless steel ranging in thickness from 0.020 inch to 0.2 inch. The subject merchandise may be coated or uncoated and may be formed and/or welded. Excluded from the scope of this investigation is shelving in which the support surface is glass. The merchandise subject to this investigation is currently classifiable in the Harmonized Tariff Schedule of the United States ("HTSUS") statistical reporting numbers 8418.99.80.50, 7321.90.50.00, 7321.90.60.90 and 8516.90.80.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

##### Comments on the Scope of the Investigation

During our review of the petition, we discussed the scope with the petitioners to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the regulations (*Antidumping Duties; Countervailing Duties*, 62 FR 27296, 27323 (May 19, 1997)), we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments within 20 calendar days of the publication of this notice. Comments should be addressed to Import Administration's Central Records Unit ("CRU"), Room 1117, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination.

##### Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department invited representatives of the Government of the PRC for consultations with respect to the countervailing duty petition. The Department held these consultations in Beijing, China, with representatives of the Government of the PRC on August 15, 2008. *See* the Memorandum to The File, entitled, "Consultations with Officials from the Government of the People's Republic of China" (August 15,