

*Comments Requested:* This Notice of Intent initiates the scoping process that begins the preparation of the EIS. As part of the scoping process, the USFS is requesting comments on the proposed action. Comments received will be part of the public record on this project and will be available for public inspection.

*Estimated Dates for DEIS and FEIS:* The DEIS is expected to be filed with the Environmental Protection Agency and to be available for public review and comment by May 2003. At that time, The Environmental Protection Agency (EPA) will publish a Notice of Availability (NOA) of the DEIS in the **Federal Register**. The comment period on the DEIS will be a minimum of 45 days from the date the EPA publishes the NOA 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. Firstly, reviewers of the draft EIS 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 concerns (*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978)). Also, environmental objections that could be raised at the draft EIS stage, but are not raised until after completion of the final EIS, 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 project participate by the close of the scoping comment period, so that substantive comments are made available to the Forest Service at a time when the comments can be meaningfully considered and responded to in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the draft EIS. 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 ends on the DEIS, the comments will be analyzed, considered, and responded to by the Forest Service in preparing the FEIS.

The FEIS is scheduled to be completed in September 2003. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making a decision regarding this proposed action.

The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal in accordance with 36 CFR part 215.

Dated: February 6, 2003.

**Benjamin T. Worthington**,

*Forest Supervisor, Daniel Boone National Forest.*

[FR Doc. 03-3470 Filed 2-12-03; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Lake County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Lake County Resource Advisory Committee (RAC) will hold a meeting.

**DATES:** The meeting will be held on March 20, 2003, from 3:30 P.M. to 6 P.M.

**ADDRESSES:** The meeting will be held at the Lake County Board of Supervisor's Chambers at 255 North Forbes Street, Lakeport.

**FOR FURTHER INFORMATION CONTACT:**

Debbie McIntosh, Committee Coordinator, USDA, Mendocino National Forest, Upper Lake Ranger District, 10025 Elk Mountain Road, Upper Lake, CA 95485. (707) 275-23612; EMAIL [dmcintosh@fs.fed.us](mailto:dmcintosh@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Agenda items to be covered include: (1) Roll Call/Establish Quorum; (2) Review and Approval of the Minutes of the September 19, 2002 Meeting; (3) Finalize business for 2002; (4) Discuss excess funds from 2001 projects; (5) Financial Agreements for RAC Projects not Performed by Forest Service; (6) Mendocino County Representatives; (7) Recommend Projects for 2003; (8) Discussion on Next Meeting Date; (10) Public Comment period. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: February 7, 2003.

**Blaine P. Baker**,

*Designated Federal Officer.*

[FR Doc. 03-3578 Filed 2-12-03; 8:45 am]

**BILLING CODE 3410-11-M**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Notice of Intent: To Request a Revision of a Currently Approved Information Collection

**AGENCY:** Natural Resources Conservation Service, United States Department of Agriculture.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13), and the Office of Management and Budget (OMB) regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the Natural Resources Conservation Service's (NRCS) intention to request a revision to a currently approved information collection, Long Term Contracting.

**DATES:** Comments will be received for a 60-day period commencing with the date of this publication.

*Additional Information or Comments:* Contact *Phyllis I. Williams*, Agency OMB Clearance Officer, Natural Resources Conservation Service, Department of Agriculture, 5601 Sunnyside Avenue, Mailstop 5460, Beltsville, Maryland 20705-5000; (301) 504-2170; [phyllis.i.williams@usda.gov](mailto:phyllis.i.williams@usda.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Application for Payment.

*OMB Number:* 0578-0013.

*Expiration Date of Approval:* June 30, 2003.

*Type of Request:* To continue with a change of a currently approved collection for which the approval will expire.

*Abstract:* The primary objective of the Natural Resources Conservation Service (NRCS) is to work in partnership with the American people and the farming and ranching community to conserve and sustain our natural resources. The purpose of Long-Term Contracting information collection is to provide for programs to extend cost sharing and technical assistance through long-term contracts to landowners and others. These contracts provide for making land use changes and installing conservation measures and practices to conserve, develop, and use the soil, water, and related natural resources on private

lands. For cost-share programs, Federal financial and technical assistance is based on a conservation plan that is made a part of an agreement, contract or easement, for a period of time of no less than 1 year, no more than 15 years. Under the terms of the agreement, the participant agrees to apply, or arrange to apply, the conservation treatment specified in the conservation plan. In return for this agreement, Federal cost-share payments are made to the land user, or third party, upon successful application of the conservation

treatment. NRCS purchases easement programs and provides for the protection and management for the life of the easement.

The information collected through this package is used by NRCS to ensure the proper use of program funds, including the application for participation, contract implementation, conservation planning, and application for payment. The table below lists the forms in this collection, the use of each document, and the applicable programs for the information collection. These

forms constitute this information collection, and reflect the documents used by Department of Agriculture (USDA) program participants to indicate their desire to participate in one or more of the applicable programs. To obtain copies of forms referenced, access the Service Center Web site address at <http://www.sc.egov.usda.gov>. You may also e-mail your request and/or comments, including your address, phone number, and form number, to [terri.jackson@usda.gov](mailto:terri.jackson@usda.gov), or call the Forms Manager at (301) 504-2164.

OMB 0578-0013, LONG-TERM CONTRACTING INFORMATION COLLECTION PACKAGE—FORMS INCLUDED—7 CFR 630

| Form No.       | Forms superceded          | Form title and usage  | Previous OMB No.  | Program <sup>1</sup>  |
|----------------|---------------------------|---|-------------------|---|
| AD-1153 .....  | NRCS-LTP-01 and CCC-1250. | Application for Long-Term Contracted Assistance—(Used for the initial program application).   | 0578-0013 .....   | EWP-FPEC; WPFPP, WRP, WHIP, GRP; FPP  |
| AD-1154 .....  | NRCS-LTP-02 and CCC-1251. | Long Term Contract/Agreement for NRCS Cost-Share Programs—(Used for contract obligation).   | 0578-0013 .....   | EWP-FPEC; WPFPP, WRP, WHIP, GRP; FPP  |
| AD-1154D ..... | New Program .....         | Appendix; Special Provisions for the Grassland Reserve Incentives Programs.   | New Program ..... | GRP   |
| AD-1154E ..... | .....                     | Appendix; Special Provisions for the Farmland Protection Program.   | 0578-0013 .....   | FPP   |
| AD-1155 .....  | NRCS-LTP-11; CCC-1252.    | Conservation Plan/Schedule of Operations—(Used to develop and list the applicable conservation practices/measures to be applied, the amounts to be applied, and the estimated financial assistance obligation). | 0578-0013 .....   | EWP-FPEC; WPFPP, WRP, WHIP, EQUIP, AMA, CSP, GRP, SWCA, CRP, RCWP, RAMP, GPCP, CRSCP, WQIP; IEQIP, FIP, ECP |
| AD-1155A ..... | NRCS-LTP-11B; CCC-1252B.  | Conservation Plan/Schedule of Operations—Acceptance Page—(Used by the agency and participant to accept the Conservation Plan, summarize the obligations, and finalize the contract).                            | 0578-0013 .....   | EWP-FPEC; WPFPP, WRP, WHIP, EQUIP, AMA, CSP, GRP, SWCA, CRP, RCWP, RAMP, GPCP, CRSCP, WQIP; IEQIP, FIP, ECP |
| AD-1156 .....  | NRCS-LTP-12; CCC-1253.    | Revision of Plan or Schedule of Operations or Modifications of Contract—(Used to make any modifications to the practices and/or measures to be applied during the contract period).                             | 0578-0013 .....   | EWP-FPEC; WPFPP, WRP, WHIP, EQUIP, AMA, CSP, GRP, SWCA, CRP, RCWP, RAMP, GPCP, CRSCP, WQIP; IEQIP, FIP, ECP |
| AD-1157 .....  | NRCS-LTP-20A; CCC-1255A.  | Option Agreement to Purchase—(Used by the participant to indicate his/her desire to continue in the program after an initial acceptance of eligibility has been provided).                                      | 0578-0013 .....   | WRP, EWP-FPE; GRP   |
| AD-1157A ..... | CCC-1255A; NRCS-LTP-20.   | Option Agreement to Purchase, Amendment 1.  | 0578-0013 .....   | WRP; EWP-FPE; GRP   |
| AD-1158 .....  | NRCS-LTP21; CCC-1256.     | Subordination Agreement and Limited Lien Waiver “ (Used to remove encumbrances of the title for USDA to acquire an easement).   | 0578-0013 .....   | WRP; EWP-FPE; GRP   |
| AD-1159 .....  | NRCS-LTP-24; CCC-1257.    | Notification of Intent to Continue—(Used by the participant to indicate his/her desire to continue in the program after an initial acceptance of eligibility has been provided).                                | 0578-0013 .....   | WRP; EWP-FPE; GRP   |
| AD-1160 .....  | NRCS-LTP-25; CCC-1258.    | Compatible Use Authorization—(Used by the agency to authorize uses compatible with the program purposes as requested by the program participant on easement acquisitions).                                      | 0578-0013 .....   | EWP-FP; WRP; GRP  |

OMB 0578-0013, LONG-TERM CONTRACTING INFORMATION COLLECTION PACKAGE—FORMS INCLUDED—7 CFR 630—  
Continued

| Form No.          | Forms superceded           | Form title and usage  | Previous OMB No.  | Program <sup>1</sup>   |
|-------------------|----------------------------|---|---|--|
| AD-1161 .....     | NRCS-FNM-141;<br>CCC-1202. | Application for Payment—(Used by the program participant to apply for payment in exchange for implementing one or more conservation practices or measures).                               | 0578-0018 .....   | CRSCP; EWP; FIP; GPCP; IEQIP; RC&D; RAMP; FPP; WPFPP; WRP (direct appropriated funds); WHIP                              |
| CCC-1200 .....    | .....                      | Conservation Program Contract—(Used to make initial application, and serve as the contractual document upon acceptance into the program).   | 0560-0174 (Pkg transferred from FSA) and 0578-0028.         | EQIP, AMA, CSP, GRP, FPP, SWCA   |
| CCC-1200A .....   | .....                      | Appendix; Special Provisions for the Environmental Quality Incentives Program.  | 0560-0174 (Pkg transferred from FSA) and 0578-0028.         | EQIP   |
| CCC-1200 AMA .... | .....                      | Appendix; Special Provisions for the Agricultural Management Assistance Program.  | 0560-0174 (Pkg transferred from FSA) and 0578-0028.         | AMA  |
| CCC-1200C .....   | New Program .....          | Appendix; Special Provisions for the Conservation Security Program.   | New Program .....   | CSP  |
| CCC-1201 .....    | New .....                  | Application Evaluation Worksheet—(Used by the agency to evaluate the environmental benefits of a participants proposed conservation plan of operations and for ranking the applications). | 0560-0174 .....   | EQIP   |
| CCC-1245 .....    | .....                      | Practice Approval and Payment Application (Used by the program participant to apply for payment in exchange for implementing one or more conservation practices or measures).             | 0560-01740174 (Package transferred from FSA) and 0578-0028. | EQIP, AMA, CSP, GRP, FPP; SWCA   |
| CCC-1255 .....    | .....                      | Warranty Easement Deed (Permanent)—(Used to encumber the easement acreage and transfer easement to USDA).   | 0578-0013 .....   | WRP  |
| CCC-1255A .....   | New .....                  | Option to Purchase Agreement (30-year)—(Used by the participant to indicate his/her desire to continue in the program after an initial acceptance of eligibility has been provided).      | Form No. Previously used for another purpose.               | WRP  |
| CCC-1255B .....   | New .....                  | Warranty Easement Deed (30-year)—(Used to encumber the easement acreage and transfer easement to USDA).   | Form No. Previously used for another purpose.               | WRP  |
| NRCS-CPA-38 ....  | .....                      | Request for a Certified Wetland Determination—(Used by USDA participants to request a certified wetland determination).   | 0578-0013 .....   | WC; WRP; EWP-FPEP; WHIP; CRP   |
| NRCS-LTP-13 ..... | .....                      | Conservation Program Status Review—(Used by the agency and the participant to review the status of contract or agreement implementation).   | 0578-0013 .....   | EWP-FPEP; WPFPP, WRP, WHIP, EQIP, AMA, CSP, GRP, SWCA, CRP, RCWP, RAMP, GPCP, CRSCP, WQIP; IEQIP, FIP, ECP, CTA; HELC/WC |
| NRCS-LTP-20 ..... | .....                      | Warranty Easement Deed (Permanent)—(Used to encumber the easement acreage and transfer easement to USDA).   | 0578-0013 .....   | EWP-FPE  |
| NRCS-LTP-151 .... | .....                      | Notice of Agreement or Contract Violation—(Used by the agency to notify contract holders of contract violations).   | 0578-0013 .....   | CRSCP; GPCP; IEQIP; RAMP; RCWP; WBP; WHIP  |
| NRCS-LTP-152 .... | .....                      | Transfer Agreement—(Used by the agency and the program participant to transfer the program contract or agreement to another entity).  | 0578-0013 .....   | CRSCP; GPCP; IEQIP; RAMP; RCWP; WBP; WHIP  |

OMB 0578-0013, LONG-TERM CONTRACTING INFORMATION COLLECTION PACKAGE—FORMS INCLUDED—7 CFR 630—Continued

| Form No.          | Forms superceded | Form title and usage   | Previous OMB No. | Program <sup>1</sup>                      |
|-------------------|------------------|--|------------------|---|
| NRCS-LTP-153 .... | .....            | Agreement Covering Non-Compliance with Contract Provisions—(Used by the agency to notify program participants of non-compliance with program contracts or agreements). | 0578-0013 .....  | CRSCP; GPCP; IEQIP; RAMP; RCWP; WBP; WHIP |

<sup>1</sup> Conservation Programs and Authorities are as follows:

- AMA—Agricultural Management Assistance; Pub. L. 106-224, Section 133(b); Pub. L. 107-171, Section 2501
- EWP-FPEC—Emergency Watershed Program, Floodplain Easement Component; 16 U.S.C. 2203; 7 CFR 624
- CRP—Conservation Reserve Program; 16 U.S.C. 3831-3836; 7 CFR 1410
- CRSCP—Colorado River Salinity Control Program; 7 CFR 702
- CSP—Conservation Security Program; Pub. L. 107-171, Sections 2001-2006
- CTA—Conservation Technical Assistance; 16 U.S.C. 590 a-f
- ECP—Emergency Conservation Program; 7 CFR 701
- EQIP—Environmental Quality Incentives Program; 16 U.S.C. 3839aa; 3839aa(1-8); 7 CFR 1466
- HELC/WC—Highly Erodible Land and Wetland Conservation Compliance; 7 CFR 12
- FIP—Forestry Incentives Program; Pub. L. 95-313, Sec. 4, July 1, 1978, 92 Stat. 367; Pub. L. 101-624, title XII, Secs. 1214, 1224(1), Nov. 28, 1990, 104 Stat. 3525, 3542; 7 CFR 701
- FPP—Farmland Protection Program; 16 U.S.C. 3830 note; 7 CFR 1469; Pub. L. 107-171, Section 2503
- GPCP—Great Plains Conservation Program; 16 U.S.C. 590p(b); 7 CFR 631
- GRP—Grassland Reserve Program; Pub. L. 107-171, Section 2401
- IEQIP—Interim Environmental Quality Incentives Program; 7 CFR 631 and 7 CFR 702
- RAMP—Rural Abandoned Mine Program; 30 U.S.C. 1236 *et seq.*; 7 CFR 632
- RC&D—Resource Conservation & Development Program; Pub. L. 107-171, Section 2504
- RCWP—Rural Clean Water Program; 33 U.S.C. 1288 *et seq.*; Pub. L. 7 CFR 634
- SWCA—Soil and Water Conservation Assistance Program; Pub. L. 106-244, Section 211(b)
- WBP—Water Bank Program; 16 U.S.C. 1301-1311; 7 CFR 752
- WC—Wetland Conservation Compliance; 16 U.S.C. 3801-3824; 7 CFR 12
- WHIP—Wildlife Habitat Incentives Program; 16 U.S.C. 3836a; 7 CFR 636
- WPFP—Watershed Protection and Flood Prevention Program; Pub. L. 83-566; 7 CFR 622
- WQIP—Water Quality Incentives Program; 7 CFR 701
- WRP—Wetlands Reserve Program; 16 U.S.C. 3837; 3837(a-f); 7 CFR 1467

This request represents a combination of four Information Collection Packages, as follows: OMB Number: 0578-0013, Long Term Contracting; OMB Number: 0578-0018, Application for Payment; OMB Number 0578-0028, Risk

Protection Programs; and OMB Number 0560-0174, Environmental Quality Incentives Program, (transferred from the Farm Service Agency). The above table represents all of the forms incorporated into this one information

collection, OMB Number 0578-0013. The table below shows a summary of the changes in the package since the previous authorization:

|   |           |                |
|---|-----------|----------------|
| Previous Burden Hours .....   | 162,351.3 |                |
| Burden Transferred from OMB Number 0560-0174 .....                          | 444,609   | (+ Adjustment  |
| Burden Transferred from OMB Number 0578-0018 .....                          | 20,731    | (+ Adjustment  |
| Burden Transferred from OMB Number 0578-0028 .....                          | 2,917     | (+ Adjustment  |
| Burden Hour Reduction for Electronic Submission, OMB Number 0578-0013 ..... | 1,909.2   | (-) Adjustment |
| Burden Hour Reduction for Electronic Submission, OMB Number 0578-0018 ..... | 2,961.6   | (-) Adjustment |
| Burden Hour Reduction for Electronic Submission, OMB Number 0578-0028 ..... | 416.5     | (-) Adjustment |
| Burden Hour Reduction for Electronic Submission, OMB Number 0560-0174 ..... | 66,691.4  | (-) Adjustment |
| Proposed Burden Hours .....   | 558,930   |                |

NRCS will ask for 3-year OMB approval within 60 days of submitting the request.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 1.41 hours or 84.7 minutes per response.

*Respondents:* Farms, individuals, or households, or State, local, or Tribal governments.

*Estimated Number of Respondents:* 396,077.

*Estimated Total Annual Burden on Respondents:* 558,930.

Copies of this information collection and related instructions can be obtained without charge from Phyllis Williams,

the Agency OMB Clearance Officer, at 5602 Sunnyside Avenue, Mailstop 5460, Beltsville, Maryland 20705-5000; (301) 504-2170; [phyllis.i.williams@usda.gov](mailto:phyllis.i.williams@usda.gov).

*Comments:* Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the

burden of the collection of information on those who are to respond, such as through the use of appropriate automated, electronic, mechanical, or other technologic collection techniques or other forms of information technology. Comments may be sent to: Phyllis Williams, Agency OMB Clearance Officer, U.S. Department of Agriculture, Natural Resources Conservation Service, 5602 Sunnyside Avenue, Mailstop 5460, Beltsville, Maryland 20705-5000; (301) 504-2170; [phyllis.williams@usda.gov](mailto:phyllis.williams@usda.gov).

All responses to this notice will be summarized and included in the request

for OMB approval. All comments also will become a matter of public record.

Signed in Washington, DC, on January 24, 2003.

**Bruce I. Knight,**

*Chief, Natural Resources Conservation Service.*

[FR Doc. 03-3569 Filed 2-12-03; 8:45 am]

**BILLING CODE 3410-16-P**

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

#### Williams Creek Watershed, Clay County, MO

**AGENCY:** Natural Resources Conservation Service.

**ACTION:** Notice of a finding of no significant impact.

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Natural Resources Conservation Service Regulations (7 CFR Part 650); the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Williams Creek Watershed Clay County, Missouri.

**FOR FURTHER INFORMATION CONTACT:** Roger A. Hansen, State Conservationist, Natural Resources Conservation Service, Parkade Center, Suite 250, 601 Business Loop 70 West, Columbia, Missouri 65203. Telephone: (314) 876-0901.

**SUPPLEMENTARY INFORMATION:** The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Roger A. Hansen, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are to rehabilitate an existing structure in order to comply with state and federal dam safety regulations, maintain flood prevention, flood damage reduction, and recreational benefits. The planned works of improvement include raising the height of Structure 2, improving the stilling basin/plunge pool, widening the auxiliary spillway, lowering the second stage of the principal spillway, installing wave protection on the front slope of the dam, installing an additional foundation drain, and

replacing all recreational facilities during the construction process.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Harold L. Deckerd, Assistant State Conservationist (WR).

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under NO.10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials.)

**Roger A. Hansen,**

*State Conservationist.*

[FR Doc. 03-3570 Filed 2-12-03; 8:45 am]

**BILLING CODE 3410-16-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-827]

#### Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order in Part: Certain Cased Pencils From the People's Republic of China

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

**ACTION:** Notice of initiation and preliminary results of changed circumstances antidumping duty administrative review and intent to revoke order in part.

**SUMMARY:** In accordance with section 751(b) of the Tariff Act of 1930, as amended (the Act), and section 351.216(b) of the Department of Commerce's (the Department's) regulations, The Smencil Company (Smencil Co.) filed a request for a changed circumstances review of the antidumping duty (AD) order on certain cased pencils from the People's Republic of China (PRC). Specifically, Smencil Co. requests that the Department revoke the AD order with respect to the specialty pencil it produces, which is described below.

The domestic industry has affirmatively expressed a lack of interest in the continuation of the order with respect to this product. In response to the request, the Department is initiating a changed circumstances review and issuing a notice of preliminary intent to revoke, in part, the AD order on certain cased pencils from the PRC. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** February 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Jack K. Dulberger or Howard Smith, AD/CVD Enforcement, Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-5505 and (202) 482-5193, respectively.

### Background

On December 23, 2002, Smencil Co. filed a request with the Department to revoke the AD order on certain cased pencils from the PRC with respect to the patented, scent-infused pencils produced in the PRC that it imports. *See* Smencil Co.'s letter to the Secretary, dated December 10, 2002 (Smencil Co. Request Letter). Specifically, Smencil Co. requested that the Department revoke the AD order with respect to imports meeting the following description: scent-infused pencils manufactured in the PRC under U.S. patent number 6,217,242,<sup>1</sup> (Patent) that are made from rolled sheets of paper, namely rolled sheets of recycled newspaper, and infused with various scents so as to create scented pencils named Smencils. *See* Smencil Co. Request Letter at 1-2.

Smencil Co. attached to its request a letter dated December 10, 2002 from the petitioners in the pencils AD proceeding,<sup>2</sup> stating that they are not interested in having the AD order on certain cased pencils from the PRC apply to pencils manufactured in the PRC under patent number 6,217,242 that are made from rolled sheets of recycled newspaper that are infused with various scents, thereby creating

<sup>1</sup> Patent number 6,217,242 (April 17, 2001) describes the invention as a "scented writing implement (comprising) \* \* \* a fragrant pencil and a method for making same." (*See* Smencil Co. Request Letter at Appendix 2) The patent is owned by Evaco, Ltd., doing business as The Smencil Company (*See* Smencil Co. Request Letter at 1).

<sup>2</sup> The petitioners are the Writing Instrument Manufacturers Association, Pencil Section (WIMA) (a trade association comprised, in part, of domestic pencil producers) and six domestic pencil producers: Aakron Rule, Inc., Dixon-Ticonderoga Corporation, Musgrave Pencil Company, Moon Products, Inc., Sanford Corporation, and Tennessee Pencil Company (collectively, the petitioners).