

that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On May 1, 2002, a petition was filed with the Commission and Commerce by Steel City Corporation, Youngstown, OH, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of lawn and garden steel fence posts from China. Accordingly, effective May 1, 2002, the Commission instituted antidumping duty investigation No. 731-TA-1010 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 8 (67 FR 30963, May 8, 2002). The conference was held in Washington, DC, on May 22, 2002, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 17, 2002. The views of the Commission are contained in USITC Publication 3521 (June 2002), entitled *Lawn and Garden Steel Fence Post from China: Investigation No. 731-TA-1010* (Preliminary).

By order of the Commission.

Issued: June 18, 2002.

Marilyn R. Abbott,

Secretary.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby

given that a consent decree resolving the liability of John Simpson ("Defendant") in *United States of America v. Simpson*, Civil Action No. 01-288-E-BLW, will be lodged with the United States District Court for the District of Idaho.

The proposed consent decree concerns allegations that Defendant violated the Clean Water Act, 33 U.S.C. 1311, and a scenic easement, and committed trespass, resulting from the unauthorized discharge of dredged or fill materials into waters of the United States in Custer County, Idaho, in areas adjacent to the Salmon River. The consent decree enjoins the Defendant from (1) discharging dredged or fill material into waters of the United States; (2) violating the scenic easement; and (3) trespassing. It also requires the Defendant to restore the site; to conduct additional injunctive relief; and to pay a civil penalty of \$23,750 to the United States Treasury.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of eight (8) days from the date of publication of this notice. This expedited comment period is necessary due to the short time period available for completing certain restoration work under the Consent Decree during this summer. Comments should either be sent by overnight express delivery addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: David Kaplan, Senior Trial Counsel, Environmental Defense Section, Suite 8000, 601 D Street, Washington, DC 20004, or by telefax to (202) 514-8865, and marked Attention: David Kaplan, Environmental Defense Section, and in either case should refer to *United States of America v. John Simpson*, DJ Reference No. 90-5-1-1-16255.

A copy of the proposed consent decree may be obtained for examination by requesting a copy by calling (202) 514-2219 and asking for David Kaplan.

Russell Young,

Assistant Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.
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DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of June 2002.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or sub-division have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-39,646; *L.B. Foster Co., Pomeroy, OH*

TA-W-40,533; *Froedtert Malting, A Div. Of International Malting Co LLC, Milwaukee, WI*

TA-W-41,088; *Crompton and Knowles Colors, Inc., Reading, PA*

TA-W-41,537; *AmeriSteel Corp., Dust Processing Div., Jackson, TN*

TA-W-41,143; *Liebert Corp., Delaware, OH: "All workers who are engaged in the production of surge suppressors are denied eligibility to apply for adjustment assistance"*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.