

initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Issued: May 9, 2001.

Donna R. Koehnke,

Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-925 (Preliminary)]

Greenhouse Tomatoes From Canada

Determination

On the basis of the record¹ developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Canada of greenhouse tomatoes, provided for in subheadings 0702.00.20, 0702.00.40, and 0702.00.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in 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 March 28, 2001, a petition was filed with the Commission and Commerce by Carolina Hydroponic Growers Inc., Leland, NC; Eurofresh, Willcox, AZ; HydroAge, Cocoa, FL; Sunblest Management, Fort Lupton, CO; Sunblest Farms, Peyton, CO; and Village Farms, LP, Eatontown, NJ, alleging that an industry in the United States is materially injured, or threatened with material injury, by reason of LTFV imports of greenhouse tomatoes from Canada. Accordingly, effective March 28, 2001, the Commission instituted antidumping duty investigation No. 731-TA-925 (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 April 4, 2001 (66 FR 17926). The conference was held in Washington, DC, on April 18, 2001, 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 May 14, 2001. The views of the Commission are contained in USITC Publication 3234 (May 2001), entitled *Greenhouse Tomatoes from Canada: Investigation No. 925 (Preliminary)*.

By order of the Commission.

Issued: May 14, 2001.

Donna R. Koehnke,

Secretary.

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-457]

In the Matter of Certain Polyethylene Terephthalate Yarn and Products Containing Same; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 11, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Honeywell International Inc. of Morristown, NJ. A supplement to the complaint was filed on May 3, 2001. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain polyethylene terephthalate yarn and products containing same by reason of infringement of claims 1, 2, 4, 5, 7, 10, 13, 14, 16, and 17 of U.S. Letters Patent 5,630, 976. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint and supplement, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2575.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 10, 2001, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain polyethylene terephthalate yarn or products containing same by reason of infringement of claims 1, 2, 4, 5, 7, 10, 13, 14, 16, or 17 of U.S. Letters Patent 5,630, 976 and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Honeywell International Inc. 101 Columbia Road, Morristown, NJ 07962-2245.

(b) The respondent is the following company alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Hyosung Corporation, 450 Kongduk-dong, Mapo-gu, Seoul 121-020, Korea.

(c) T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Debra Morriss is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the

facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Issued: May 10, 2001.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE

Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the Resource Conservation and Recovery Act

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9601-9675, and section 7003 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984 ("RCRA"), 42 U.S.C. 6973, notice is hereby given of the execution of a proposed prospective purchaser agreement ("Purchaser Agreement"), associated with a commercial property located in Waynesboro, Virginia and presently owned by Genicom, Inc. ("Site"). The Purchaser Agreement has been executed by the Environmental Protection Agency ("EPA"), the Department of Justice, and the prospective purchaser, Solutions Way Management of Huntington, West Virginia.

Genicom is a debtor in bankruptcy which has liquidated all of its assets other than certain accounts receivable, causes of action and the Site. Since entering bankruptcy in March, 2000, Genicom has continued to comply with a unilateral administrative order ("UAO") issued against it by EPA in 1990 under Section 3008(h) of RCRA, 42 U.S.C. 6928(h), with the financial assistance of a former owner of the Site. In the near future, Genicom will have no remaining assets to continue its compliance efforts. Solutions Way Management is the only entity that has shown any substantial interest in purchasing the Site. If the Site is not

sold to Solutions Way Management, Genicom will seek to abandon it under 11 U.S.C. 554.

The property subject to the Purchaser Agreement is located at Genicom Drive in Waynesboro, adjacent to the east side of the South River. Volatile organic compounds, such as trichloroethene, 1,2 dichloroethene and 1,1,1 trichloroethane were released into the environment at the Site during a period of approximately 30 years, ending in the 1980s. As a result, soil and groundwater at the Site have been contaminated. Aeration is being used at the Site to reduce or eliminate groundwater contamination. One solid waste management unit ("SWMU") at the Site, where two waste lagoons were formerly located, has been capped and is regulated under a closure permit that was issued in 1999 by the Commonwealth of Virginia's Department of Environmental Quality. It is expected that a permanent remedy for the Site will be proposed within a period of a few months.

Under the terms of the Purchaser Agreement, the purchaser will inspect and maintain the cap for the SWMU referred to above, maintain records at the Site, be responsible for Site security, and submit detailed work, sampling and analytical plans to EPA in any instance where it proposes to develop the Site. In return, the purchaser will receive a covenant not to sue under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Sections 3008(h) and 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6928(h) and 6973. Since EPA has incurred no CERCLA response costs at the facility to date, the purchaser will not be making a cash payment in the United States.

DATES: Comments must be submitted on or before May 30, 2001. Comments should be submitted to Region III, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103, ATTN: Kathleen Root, Esq. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103.

AVAILABILITY: The proposed Purchaser Agreement and additional background information relating to the proposed Purchaser Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the proposed Purchaser Agreement may be obtained from Suzanne Canning, U.S. Environmental Protection Agency,