

Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$13.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. Brook,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 03-31783 Filed 12-24-03; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### **Notice of Lodging of Consent Decree Between the United States of America and Erwin Grant and the Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Under 28 CFR 50.7, notice is hereby given that on December 19, 2003, a proposed Consent Decree ("Consent Decree") in the case of *United States of America v. Erwin Grant and Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard*, Civil Action No. 00-1536-BR (D. Or.), was lodged with the United States District Court for the District of Oregon.

In this action the United States sought recovery of costs incurred in connection with the response action taken at the Grant Warehouse Superfund Site, located at 3368 N.E. Martin Luther King, Jr. Boulevard, Portland, Oregon. The Consent Decree requires Erwin Grant, acting through his conservator, Ken Grant, to sell the Grant Warehouse to the Portland Development Commission, and to provide in the purchase and sale agreement that \$88,500 (an amount expected to be half of the sale price) of the proceeds will be paid to the United States in reimbursement of response costs. In exchange, the United States will provide a covenant not to sue and contribution protection applicable to both the Grant Warehouse property and to Erwin Grant personally.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments

relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America v. Erwin Grant and Real Property Located at 3368 N.E. Martin Luther King, Jr. Boulevard*, D.J. Ref. 90-11-3-06611/1.

The Consent Decree may be examined at the Office of the United States Attorney, District of Oregon, 1000 SW Third Ave., Suite 6000, Portland, OR 97204-2902, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.50 (25 cents per page reproduction cost) payable to the United States Treasury for payment.

**Robert Maher,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 03-31876 Filed 12-24-03; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### **Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on December 16, 2003, two proposed consent decrees in *United States v. Ponderosa Fibres of America, Inc., et al.*, Civil Action No. 99-CV-1305, were lodged with the United States District Court for the Northern District of New York.

The first of the two proposed Consent Decrees ("Bernstein et al. Decree") resolves cost recovery, Federal Debt Collection Procedures Act ("FDCPA") and Federal Priority Statute ("FPS") claims against Martin Bernstein, Nathan Bernstein, Robert Pitman and Roland Fjallstrom, collectively, for \$140,000, plus interest. The second proposed Decree ("PFA Decree") resolves the United States' cost recovery claim

against Ponderosa Fibres of America, Inc. ("PFA") for \$775,000, to be collected as an allowed general unsecured claim in the Bankruptcy Action. To become effective, the PFA Decree must be approved by both the United States District Court for the Northern District of New York and the United States Bankruptcy Court for the District of Delaware.

For a period of thirty (30) days from the date of this publication, the U.S. Department of Justice will accept comments relating to the proposed Bernstein et al. and PFA Consent Decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, c/o David L. Weigert, Esq., Environmental Enforcement Section, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. Ponderosa Fibres of America, Inc., et al.*, Civil Action No. 99-CV-1305 (FJS/RWS), DJ # 90-11-2-1223/1.

The proposed Consent Decrees may be examined at the Office of the United States Attorney, Northern District of New York, 231 Foley U.S. Courthouse, 445 Broadway, Albany, New York and at U.S. Environmental Protection Agency Region II, 290 Broadway, New York, New York. During the public comment period, the Consent Decrees may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. Copies of the proposed Consent Decrees may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. If requesting copies of one or both the proposed Consent Decrees, please specify the requested Decree(s) and enclose a check in the amount of \$4.75 per Decree (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald G. Gluck,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.*

[FR Doc. 03-31784 Filed 12-24-03; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-52,828]

**AK Steel Corp., Rockport Works,  
Shipping, Receiving and Packaging  
Department, Rockport, IN; Dismissal of  
Application for Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at AK Steel Corporation, Rockport Works, Shipping, Receiving and Packaging Department, Rockport, Indiana. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,828; AK Steel Corporation,  
Rockport Works, Shipping,  
Receiving and Packaging  
Department, Rockport, Indiana  
(December 4, 2003)

Signed at Washington, DC this 18th day of  
December 2003.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment  
Assistance.*

[FR Doc. 03-31858 Filed 12-24-03; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-52,766]

**American Suessen Corp., Charlotte,  
NC; Dismissal of Application for  
Reconsideration**

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at American Suessen Corporation, Charlotte, North Carolina. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-52,766; American Suessen  
Corporation (December 4, 2003)

Signed at Washington, DC this 18th day of  
December 2003.

**Timothy Sullivan,**

*Director, Division of Trade Adjustment  
Assistance.*

[FR Doc. 03-31859 Filed 12-24-03; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-52,128, TA-W-52,128A, and TA-W-52,128B]

**Control Engineering Company,  
Pellston, MI; Control Engineering  
Company, Harbor Springs, MI; Control  
Engineering Company, Boyne City, MI;  
Notice of Affirmative Determination  
Regarding Application for  
Reconsideration**

By letter of September 5, 2003, a company official requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on August 15, 2003, and published in the **Federal Register** on September 2, 2003 (68 FR 52227).

The Department reviewed the request for reconsideration and has determined that the Department will conduct a survey of additional customers that were not contacted in the initial investigation to establish whether imports contributed importantly to separations at the petitioning workers' facilities.

**Conclusion**

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 8th day of  
December, 2003.

**Elliott S. Kushner,**

*Certifying Officer, Division of Trade  
Adjustment Assistance.*

[FR Doc. 03-31862 Filed 12-24-03; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment and Training  
Administration**

[TA-W-52,622]

**Descartes Systems (USA) LLC, an  
Affiliate of the Descartes Systems  
Group, Inc., Atlanta, GA; Notice of  
Negative Determination Regarding  
Application for Reconsideration**

By application of October 9, 2003, a petitioner requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for Trade Adjustment Assistance (TAA). The denial notice applicable to workers of Descartes Systems (USA) LLC, Atlanta, Georgia was signed on September 4, 2003, and published in the **Federal Register** on October 10, 2003 (68 FR 58719).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The TAA petition was filed on behalf of workers at Descartes Systems (USA) LLC, Atlanta, Georgia engaged in employment related to providing electronic data interchange services. The petition was denied because the petitioning workers did not produce an article within the meaning of Section 222 of the Act.

The petitioner appears to imply that the petitioning worker group should be considered eligible for TAA on the basis that they created an article as part of a "paperless" process.

Data exchange services are not tangible commodities, that is, marketable products, and they are not listed on the Harmonized Tariff Schedule of the United States (HTS), which describes all products imported to or exported from the United States.

Further, the TAA program was established to help workers who produce articles and who lose their jobs as a result of trade agreements. Throughout the Trade Act an article is often referenced as something that can be subject to a duty. To be subject to a duty on a tariff schedule an article will