

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 731-TA-751
(Preliminary)]

**Open-End Spun Rayon Singles Yarn
From Austria**
Determination

On the basis of the record¹ developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Austria of open-end spun rayon singles yarn, provided for in subheading 5510.11.00 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, as amended in 61 FR 37818 (July 22, 1996), 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 (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 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 August 20, 1996, a petition was filed with the Commission and the Department of Commerce by the Ad Hoc Committee of Open-End Spun Rayon

Yarn Producers, Gastonia, NC, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of open-end spun rayon singles yarn from Austria. Accordingly, effective August 20, 1996, the Commission instituted antidumping investigation No. 731-TA-751 (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 August 28, 1996 (61 FR 44344). The conference was held in Washington, DC, on September 10, 1996, 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 October 4, 1996. The views of the Commission are contained in USITC Publication 2999 (October 1996), entitled "Open-End Spun Rayon Singles Yarn from Austria: Investigation No. 731-TA-751 (Preliminary)."

Issued: October 8, 1996.

By order of the Commission.

Donna R. Koehnke,

Secretary.

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DEPARTMENT OF JUSTICE
**Notice of Lodging of Consent Decree
Pursuant to the Comprehensive
Environmental Response,
Compensation, and Liability Act**

In accordance with Departmental policy, 28 C.F.R. 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States v. Burlington Northern Railroad Co.*, Civil Action No. C-96-5871-FDB, was lodged on September 30, 1996 with the United States District Court for the Western District of Washington. In a complaint filed contemporaneously with the lodging of the proposed consent decree, the United States alleged that Defendants Burlington Northern Railroad Company ("BNRC"), BN Leasing Corporation ("BN"), Amsted Industries Incorporated ("Amsted"), Pioneer Builders Supply, Inc. ("PBS"), South Tacoma L.L.C. ("STLLC"), and the City of Tacoma, Department of Public Utilities ("TPU") are liable as

owners or operators of the South Tacoma Field Operable Unit of the Commencement Bay South Tacoma Channel Superfund Site located in Pierce County, Tacoma, Washington ("Site"). Pursuant to Section 107(a) (1) and (2) of the CERCLA, 42 U.S.C. 9607(a) (1) and (2), the complaint also alleges that Defendant Atlas Foundry & Machine Company ("Atlas"), by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the Site. The complaint further alleges that the Environmental Protection Agency ("EPA") and the Department of Justice incurred and continue to incur costs for response actions at and in connection with the Site.

The proposed consent decree provides that the Defendants will pay \$2,000,000 to the United States for the past costs incurred and paid by EPA and the Department of Justice through February 28, 1995, pay future response costs to be incurred by the U.S. and perform the Remedial Action as set forth in the September 29, 1994 Record of Decision ("ROD"). The proposed Consent Decree also provides that the United States covenants not to sue the defendants under both Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. The Department will also schedule a public meeting in the affected area, if requested, in accordance with Section 7003(d) of RCRA. Comments and/or a request for a RCRA public meeting should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Burlington Northern Railroad Co.*, DOJ Ref. #90-11-3-1516.

The proposed consent decree may be examined at the Office of the United States Attorney, 3600 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, Washington 98104; the Region X Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th

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