

### Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

### Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

### Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on December 6, 2001, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

### Hearing

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on December 20, 2001, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before December 12, 2001. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement

at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on December 17, 2001, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

### Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is December 13, 2001. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is December 28, 2001; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before December 28, 2001. On January 14, 2002, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before January 16, 2002, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: September 11, 2001.

By order of the Commission.

**Donna R. Koehnke,**

Secretary.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on July 11, 2001, a proposed Consent Decree in *United States v. Fullco Lumber Co., Inc., and David Howell*, Civil Action Number CV-01-J-1726-J was lodged with the United States District Court for the Northern District of Alabama.

In this action, the United States sought reimbursement of past response costs under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a), for costs incurred by the United States for response actions performed at or in connection with the Fullco Lumber Co., Inc., Superfund Site located in Haleyville, Marion County, Alabama (the "Site"). Under the proposed Consent Decree, Defendant Fullco Lumber Co., Inc. has agreed to pay a total of \$320,000.00 plus interest through the date of the payment and Defendant David Howell has agreed to pay a total of \$68,000.00, in reimbursement of the United States' past response costs. In addition to the above payments, Settling Defendants shall pay to EPA 100 percent of the net sales proceeds of the Transfer of the Property.

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 v. Fullco Lumber Co., Inc. and David Howell*, Civil Action Number CV-01-J-1726-J, D.J. Ref. 90-11-3-06897.

The Consent Decree may be examined at the Office of the United States Attorney, Suite 200, Robert S. Vance Federal Building, 1800 5th Avenue North, Birmingham, AL 35203, and at

U.S. EPA Region 4, 61 Forsyth Street, Atlanta, GA 30303. 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. In requesting a copy, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Ellen Mahan,**

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

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under The Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")**

In accordance with 28 CFR 50.7 and 42 U.S.C. 9622(d)(2), notice is hereby given that on August 31, 2001, a Consent Decree in *United States v. JCI Jones Chemicals, Inc.*, Civil Action No. 01-CF-6426 T(F), was lodged with the United States District Court for the Western District of New York.

In this action the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), sought injunctive relief and recovery of past and future costs, under Sections 106, 107, 113 and 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606, 9707, 9613 and 9622, regarding the Jones Chemicals, Inc. Superfund Site (the "Site") in the Village of Caledonia, Livingstone County, New York. Under the terms of the Consent Decree, JCI Jones Chemicals, Inc. ("Jones") will pay \$30,688.70 to the United States as reimbursement of past costs and agrees to reimburse the United States for all costs incurred in the future relating to the Site. Jones also agrees to perform the cleanup at the Site by implementing the remedy selected by EPA as set forth in the Record of Decision for the Site, which includes remediation of contaminated soil and ground water. The estimated costs of the cleanup that Jones will perform is \$2.3 million.

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, P.O. Box 7611, U.S.

Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. JCI Jones Chemicals, Inc.*, D.J. Ref. 90-11-3-07345.

The Consent Decree may be examined at the Office of the United States Attorney for the Western District of New York, 138 Delaware Avenue, Buffalo, New York, and at EPA Region 2, Office of the Environmental Protection Agency, 290 Broadway, New York, New York. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check payable to the Consent Decree Library in the amount of \$55.25 (25 cents per page reproduction cost) for a copy including appendices, or \$20.75 (25 cents per page reproduction cost) for a copy exclusive of appendices.

**Ronald G. Gluck,**

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

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**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Pursuant to the Clean Air Act**

In accordance with Departmental policy and 28 CFR 50.7, the Department of Justice gives notice that a proposed amendment to the Consent Decree previously approved and entered by the Court in the case captioned *United States v. Metropolitan Council*, Civil Action No. 99-CV-1105 (D. Minn.) was lodged with the United States District Court for the District of Minnesota on September 4, 2001. The United States filed a Complaint in 1999 alleging violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, by the Metropolitan Council ("Met") at its wastewater treatment plant in St. Paul, Minnesota. The United States and Met settled those claims on terms set forth in a Consent Decree lodged with the Court on August 11, 2000. The court entered an Order on February 6, 2001 approving that Consent Decree, and signed the Consent Decree on March 16, 2001.

By agreement between the United States and Met, the existing Consent Decree would be amended to substitute a proposed Amended Appendix C, which would describe a modified Supplemental Environmental Project to be performed by Met under the Consent Decree. No other terms of the Consent Decree would change. The existing

Appendix C to the Consent Decree requires that Met expend at least \$1.6 million for a Supplemental Environmental Project to add a dry electrostatic precipitator to the air pollution control train of one of the new fluidized bed incinerators to be installed at Met's facility. The proposed Amended Appendix C describes an improved substitute Supplemental Environmental Project, requiring installation of a fabric filter system (rather than a dry electrostatic precipitator) to the air pollution control train of one of the new fluidized bed incinerators at Met's facility. Met and its consultants believe that the fabric filter technology outlined in the Amended Appendix C would result in increased removal of key pollutants, including particulate matter and mercury. Met and its consultants estimate that the total cost of the fabric filter technology would exceed \$1.6 million, and would be approximately the same as the cost of a dry electrostatic precipitator. Based on its review of the information provided by Met, the Environmental Protection Agency agrees that the substitute Supplemental Environmental Project is appropriate.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments relating to the proposed amendment to the existing Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Metropolitan Council*, Civil Action No. 99-CV-1105 (D. Minn.), and DOJ Reference Number 90-5-2-1-2243.

A copy of the Consent Decree and proposed Amended Appendix C to the Consent Decree may be examined at: (1) The Office of the United States Attorney for the District of Minnesota, U.S. Courthouse—Room 600, 300 South Fourth Street, Minneapolis, Minnesota 55415 (contact Friedrich Siekert (612-664-5600)); and (2) the U.S. Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604 (contact Mary McAuliffe (312-886-6237)). Copies may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. In requesting copies, please refer to the above-referenced case name and DOJ Reference Numbers, and enclose a check made payable to the Consent Decree Library for \$9.25 for the Consent Decree and the proposed Amended Appendix C to the Consent Decree (37 pages at 25 cents per page