

Commission issued a warning letter to each of these attorneys.

The more senior of the two attorneys directed the second attorney, a junior associate, to prepare a certificate of service for the BPI version of the final comments. The associate mistakenly retrieved a prior public certificate of service from his computer and changed pertinent dates and headings, but did not verify or modify the names on the list. He presented the certificate of service as the BPI version to the senior attorney who then directed others to copy the BPI version of the final comments and serve it on the parties on the certificate of service.

The senior attorney discovered the mistake the following day when preparing to file the public version of the final comments. He immediately investigated the matter and took action to retrieve the document from the firm that had been served but was not on the APO. He was able to retrieve the document in the unopened, sealed envelope. The non-signatory who had received it declined to open the envelope because its markings showed it contained BPI. The senior attorney also immediately informed the Commission Secretary of the error.

The Secretary sent letters of inquiry to the three attorneys whose names were on the Final Comments. After receiving the initial response to these letters, the Secretary sent a letter of inquiry to the junior associate who was involved. The Commission received affidavits from the four attorneys and seven other personnel subject to the APO. The responses indicated that the one senior attorney and the associate were the only ones involved in the service of the final comments. The responses also provided a description of new procedures that were being implemented to avoid a similar breach in the future.

Based on the information provided, the Commission determined that the senior attorney and the associate were both responsible for the breach. The senior attorney admitted that the junior attorney was inexperienced and should have been supervised more closely. The Commission determined that the other two senior attorneys did not breach the APO because they were not involved in the service of the final comments. The Commission sent them letters informing them of that fact. In deciding to issue warning letters to the senior attorney and the associate, the Commission considered that neither attorney had prior breaches, the breach was unintentional, prompt action was taken to remedy the breach, and no non-signatory actually read the document.

*Case 8:* In a five year review investigation, a law firm filed the public version of a prehearing brief that contained BPI which had been bracketed but not redacted. The BPI was contained in two footnotes in the text of the brief and in a chart in the economic analysis portion of the brief. The public version of the brief had been prepared by an attorney. A economic consultant working with the firm prepared the public version of the economic analysis. In addition, two other attorneys reviewed the brief and another economic consultant reviewed the economic analysis portion of the brief. The Commission determined that all three attorneys and the two consultants breached the APO and issued warning letters to each of them.

One of the attorneys who had reviewed the brief discovered the breach the morning after it had been filed. He immediately contacted the economic consultants, opposing counsel, and the Commission Secretary. The opposing counsel had forwarded the document to three of his clients. However, he was able to retrieve the documents in unopened envelopes and then return the unredacted pages to the attorneys who had filed the brief. Thus, the three non-signatories to whom the brief was sent did not read the BPI.

The Secretary initially sent letters of inquiry to the two attorneys whose names were on the brief and to a third attorney who had signed the certificate of service. The Secretary also sent a letter of inquiry to all of the economic consultants working for the firm who had signed the APO. The lead attorney responded to the letters of inquiry and enclosed affidavits from the APO signatories. The response indicated that the firm will continue its procedure of having two attorneys review a public document for BPI, but will make every effort to conduct the review the day before it is scheduled for filing so a more thorough review is possible.

In deciding to issue warning letters to the three attorneys and the two consultants involved in this breach, the Commission considered the facts that this was the only breach in which they had been involved over the previous several year period, that the breach was unintentional, and that prompt action was taken to remedy the breach.

#### **IV. Investigation in Which No Breach Was Found**

During 2000, the Commission completed one investigation in which no breach was found. A law firm filed the public version of the pre-hearing brief and failed to redact bracketed information. One of the attorneys in the

firm discovered the error, notified the Commission, and retrieved the document from the parties on whom it had been served. The information on the record does not indicate that any non-signatory read the unredacted information. The Commission Secretary sent letters of inquiry to three attorneys at the firm. Two of the attorneys responded in a letter and attached affidavits from the three attorneys and four other employees at the firm who had worked on the matter. The response presented the argument that the unredacted information was not BPI and the attorneys attached pages from the staff report and the Commission's report that contained public numbers the attorneys had used to derive the unredacted information. Based on the information provided by the firm and research that included discussions with the drafters of the two reports about what the information could reveal, the Commission determined that the information was aggregated data that would not reveal information about an individual company and, therefore, it was not BPI. The Commission therefore informed the involved persons that there was no breach of the APO.

Issued: May 14, 2001.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

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## **INTERNATIONAL TRADE COMMISSION**

### **[Investigations Nos. 731-TA-888-890 (Final)]**

### **Stainless Steel Angle From Japan, Korea, and Spain**

#### **Determinations**

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Japan, Korea, and Spain of stainless steel angle, provided for in subheading 7222.40.30 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

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

## Background

The Commission instituted these investigations effective August 18, 2000, following receipt of a petition filed with the Commission and Commerce by Slater Steels Corp., Specialty Alloys Division, Fort Wayne, IN, and the United Steelworkers of America, AFL-CIO/CLC, Pittsburgh, PA. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of stainless steel angle from Japan, Korea, and Spain were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the Commission's investigations and of a public hearing 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 January 26, 2001 (66 FR 7942). The hearing was held in Washington, DC, on March 27, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in these investigations to the Secretary of Commerce on May 11, 2001. The views of the Commission are contained in USITC Publication 3421 (May 2001), entitled *Stainless Steel Angle from Japan, Korea, and Spain: Investigations Nos. 731-TA-888-890 (Final)*.

Issued: May 14, 2001.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

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## DEPARTMENT OF LABOR

### Notice of Determination 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 April, 2001.

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 subdivision 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-38,834; *Reptron Manufacturing Service, Gaylord, MI*

TA-W-38,844; *Discwax Corp., Stanley, NC*

TA-W-39,069; *Rosboro Lumber Co., Mill B, Springfield, OR*

TA-W-38,684; *Ashley Leigh Enterprises, Inc., Hillsville, VA*

TA-W-38,879; *Hastings Manufacturing Co., Hastings, MI*

TA-W-38,908; *Electronic Circuits and Design Co., Sebring, OH*

TA-W-38,796; *Electronic Corp., Edingburg, TX*

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

Increases imports did not contribute importantly to worker separation at the firm

TA-W-38,687; *Outboard Maring Corp. (OMC), Lebanon, MO*

TA-W-38,574; *Outboard Marine Corp., Lowe Aluminum Boats Div., Syracuse, IN*

TA-W-39,051; *Pleasant River Lumber Co., Dover Foxcroft, ME*

TA-W-38,797; *Lehigh Coal and Navigation Co., Tomaqua, PA*

TA-W-38,750; *Porex Technologies, College Point, NY*

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

TA-W-39,141; *Textile Sales & Repair, Inc., Gastonia, NC*

TA-W-38,849; *BI-Comp, Inc., York, PA*

TA-W-39,138; *Small Woodland Services, Inc., Eagle Point, OR*

TA-W-39,035; *Precision Twist Drill Co., Sandvik Div., Crystal Lake, IL*

The investigation revealed that criteria (2) has not been met. Sales or

production did not decline during the relevant period as required for certification.

TA-W-38,821; *Donohue Industries, A subsidiary of Abitibi Consolidated, Sheldon Mill, Sheldon, TX*

### Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA-W-38,811; *Universal Furniture Limited, Morristown, TN: March 10, 2000.*

TA-W-38,945; *Avaya, Inc., Formerly Known as Lucent Technologies, Shreveport, LA: March 15, 2000.*

TA-W-39,038; *Woodbury Apparel Group, Woodbury, TN: March 29, 2000.*

TA-W-38,761; *Snuffy's Pet Products, Inc., McConnellsburg, PA: February 12, 2000.*

TA-W-38,759; *GST Steel Co., Kansas City, MO: February 12, 2000.*

TA-W-38,572; *Outboard Maine Corp. (OMC), Calhoun, GA: January 4, 2000.*

TA-W-38,564 & A, B; *Outboard Maine Corp.*

TA-W-38,606; *Outboard Marine Corp. (OMC), Andrews, NC, Burnsville, NC and Spruce Pine, NC: January 5, 2000.*

TA-W-38,606; *Outboard Marine Corp. (OMC), Beloit, WI: January 10, 2000.*

TA-W-38,772; *Hedstrom Corp., Alma, GA: March 5, 2000.*

TA-W-38,838; *Centec Roll Corp., Div. of Whemco Corp., Bethlehem, PA: February 22, 2000.*

TA-W-39,003; *Cajun Bag and Supply Corp., Rayne, LA: March 23, 2000.*

TA-W-39,063; *Grove U.S. LLC, Shady Grove, PA: March 28, 2000.*

TA-W-38,565; *Outboard Marine Corp. (OMC), Waukegan, IL: January 5, 2000.*

TA-W-38,685; *Hendrickson-Spring, Chicago, Chicago, IL: January 31, 2000.*

TA-W-38,985 & A, B & C; *Dunbrooke Industries, Inc., Orange City, IA, Hawarden, IA, Marcus, IA and Rock Rapids, IA: March 23, 2000.*

TA-W-38,976; *Cummins, Inc., Cummins Power Generation, St. Peter, MN: March 20, 2000.*

TA-W-38,688; *Cooper Tools/Nicholson Saw, Greenville, MS: February 5, 2000.*

TA-W-38,006; *American Steel Foundries, ASK-Keystone, Inc., East Chicago, IN: March 22, 2000.*