

Bruce Aitken and Kieran Sharpe breached the APO in APOB Inv. #210 by filing a pre-hearing brief with the Department of Commerce that contained business proprietary information ("BPI") obtained under the APO in the Commission's preliminary *Aspirin* investigation. Aitken and Sharpe also breached the APO by serving a copy of the same brief on a law firm that was not on the APO of either the Commission or the Department of Commerce. The Commission found that Bruce Aitken and Kieran Sharpe breached the APO in APOB Inv. #211 by failing to delete BPI from two pages in the public version of the Final Comments filed with the Commission in the *Synthetic Indigo* investigation. The Commission found that Kieran Sharpe breached the APO in APOB Inv. #230 by failing to redact BPI from the public version of the Final Comments filed with the Commission in the *Furfuryl Alcohol* review investigation. This public reprimand is being issued because the breaches in APOB Inv. #210 and APOB Inv. #211 were the second and third breaches for Aitken within a two-year period, and the breaches in APOB Inv. #210, APOB Inv. #211, and APOB Inv. #230 were the second, third, and fourth breaches for Sharpe occurring within a two-year period.

FOR FURTHER INFORMATION CONTACT:

Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3088. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission can also be obtained by accessing its Internet server (<http://www.usitc.gov>).

SUPPLEMENTARY INFORMATION:

In connection with the three investigations, *Aspirin*, *Synthetic Indigo*, and *Furfuryl Alcohol*, Messrs. Aitken and Sharpe filed applications for access to APO information with the Commission. In the applications, they swore (i) Not to disclose without written permission any of the information obtained under the APO except to certain enumerated categories of approved persons, (ii) to serve all materials containing BPI disclosed under the APO as directed by the Secretary, and (iii) to otherwise comply with the terms of the APO and the Commission's regulations regarding access to BPI. They also acknowledged in the APO that violation of the APO could subject them, and their firm, to disbarment from practice before the

Commission, referral to the U.S. Attorney or appropriate professional association, or "[s]uch other administrative sanctions as the Commission determines to be appropriate * * * " 19 CFR 207.7(d). The Commission granted their applications.

The firm with which Aitken and Sharpe are affiliated, Aitken Irvin Berlin & Vrooman, LLP, is very experienced in Commission practice as are attorneys Aitken and Sharpe. Both attorneys appear regularly before the Commission and have sought access to APO information on a regular basis. Both Aitken and Sharpe were found to have previously breached an APO in recent prior investigations. Neither of these prior breaches were egregious enough to warrant a public reprimand when considered separately, and were instead dealt with through private reprimands. However, the several current breaches and the recent prior breaches demonstrate a disturbing and unacceptable pattern of overall failure to safeguard information released under APO. Business proprietary information received from private parties plays an important role in Commission investigations. The Commission's ability to obtain such information depends on the confidence of the submitting parties that their proprietary information will be protected.

Bruce Aitken is reprimanded for breaching the APOs in the *Aspirin* and *Synthetic Indigo* investigations as stated above and for committing multiple APO breaches over a relatively short period of time. Kieran Sharpe is reprimanded for breaching the APOs in the *Aspirin*, the *Synthetic Indigo*, and the *Furfuryl Alcohol* investigations as stated above and for committing multiple APO breaches over a relatively short period of time.

The Commission has decided to suspend Sharpe's access to APO information for a period of six months commencing with the date of the publication of this notice in the **Federal Register**. In addition, the Commission has directed the law firm of Aitken Irvin Berlin & Vrooman to have at least two attorneys review all documents to be filed with the Commission for APO compliance for two years commencing with the date of the publication of this notice in the **Federal Register**.

The authority for this action is conferred by section 207.7(d) of the Commission's Rules of Practice and Procedure (19 CFR 207.7(d)).

Issued: November 7, 2001.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 01-28447 Filed 11-13-01; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-447]

Certain Aerospace Rivets and Products Containing Same; Notice of a Commission Determination not to Review an Initial Determination Terminating the Investigation on the Basis of a Consent Order; Issuance of Consent Order

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination ("ID") of the presiding administrative law judge ("ALJ") granting the joint motion of complainant Allfast Fastening Systems, Inc. ("Allfast") and respondent Ateliers De La Haute Garonne Ets Auriol Et Cie., S.A. ("AHG") to terminate the above-captioned investigation on the basis of a consent order.

FOR FURTHER INFORMATION CONTACT:

Michael K. Haldenstein, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3041. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be 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., Washington, DC 20436, telephone (202) 205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<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>.

SUPPLEMENTARY INFORMATION: On January 25, 2001, the Commission instituted this investigation based on a complaint filed by Allfast alleging violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States

after importation of certain aerospace rivets and products containing same by reason of infringement of common law trademarks "BRFR" and "BRFZ" dilution of the "BRFR" and "BRFZ" trademarks, infringement of claims 1-6 of U.S. Letters Patent 5,580,202, and unfair competition by means of false designation of origin and false description. The complaint further alleges that there exists in the United States an industry as required by subsections (a)(1)(A) and (a)(2) of section 337. 66 FR 7782 (January 25, 2001). AHG was the only respondent.

On August 31, 2001, complainant Allfast and respondent AHG filed a joint motion to terminate the investigation on the basis of a consent order stipulation and proposed consent order. The Commission investigative attorney supported the motion.

On October 15, 2001, the ALJ issued an ID (Order No. 6) terminating the investigation based on the joint stipulation and proposed consent order. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. The ID thus became the determination of the Commission pursuant to 19 CFR 210.42(h)(3).

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42.

Issued: November 7, 2001.

By order of the Commission.

Donna R. Koehnke,
Secretary.

[FR Doc. 01-28430 Filed 11-13-01; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

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

Greenhouse Tomatoes From Canada

AGENCY: United States International Trade Commission.

ACTION: Scheduling of the final phase of an antidumping investigation.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation No. 731-TA-925 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by

reason of less-than-fair-value 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.¹

For further information concerning the conduct of this phase of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

EFFECTIVE DATE: October 5, 2001.

FOR FURTHER INFORMATION CONTACT: Elizabeth Haines (202-205-3200), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDISON-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

SUPPLEMENTARY INFORMATION:

Background

The final phase of this investigation is being scheduled as a result of an affirmative preliminary determination by the Department of Commerce that imports of greenhouse tomatoes from Canada are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. § 1673b). The investigation was requested in a petition filed on March 28, 2001, by Carolina Hydroponic Growers, Inc., Leland, NC; Eurofresh, Willcox, AZ; Hydro Age, Cocoa, FL; Sun Blest Management, Fort Lupton, CO; Sun Blest Farms, Peyton, CO; and Village Farms, LP, Eatontown, NJ.

Participation in the Investigation and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level,

¹ For purposes of this investigation, the Department of Commerce has defined the subject merchandise as "all fresh or chilled tomatoes grown in greenhouses in Canada, e.g., common round tomatoes, cherry tomatoes, plum or pear tomatoes, and cluster or 'on-the-vine' tomatoes." Specifically excluded from the scope of this investigation are all field-grown tomatoes.

representative consumer organizations, wishing to participate in the final phase of this investigation 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 investigation 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 investigation.

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 this investigation available to authorized applicants under the APO issued in the investigation, 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 investigation. A party granted access to BPI in the preliminary phase of the investigation 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 this investigation will be placed in the nonpublic record on February 6, 2002, 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 this investigation beginning at 9:30 a.m. on February 21, 2002, 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 February 13, 2002. 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 February 15,