investigation. No petitions for review were filed.

EST is the last remaining respondent in this investigation. The investigation has been terminated with respect to all other respondents based on consent order and default.

Section 337(g)(1) and Commission Rule 210.16(c) authorize the Commission to order relief against a respondent found in default unless, after consideration of the public-interest factors, it finds that such relief should not issue. UneMed has declared, pursuant to Commission Rule 210.16(c)(2), that it does not seek a general exclusion order.

In conjunction with the final disposition of this investigation, therefore, the Commission may: (1) Issue an order that could result in the exclusion of articles manufactured or imported by any or all of the defaulting respondents; and/or (2) issue one or more cease and desist orders that could result in any or all of the defaulting respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, *see In the Matter of Certain Devices for Connecting Computers via Telephone Lines,* Inv. No. 337–TA–360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: The parties to the investigation, interested government agencies, and any other interested parties, are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are further requested to state the dates that any relevant intellectual property rights terminate and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on January 6, 2010. Reply submissions must be filed no later than the close of business on January 18, 2010. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof with the Office of the Secretary on or before the aforementioned deadlines. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.16 and 210.42–46 of the Commission's Rules of Practice and Procedure (19 CFR 210.16; 210.42–46).

By order of the Commission.

Issued: December 23, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–30952 Filed 12–29–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on December 22, 2009, a proposed Consent Decree in *United States* v. *Ausimont Industries, Inc., et al.*, Civil Action No. 1:09–cv–12169, was filed with the United States District Court for the District of Massachusetts, Eastern Division.

In this action, the United States sought injunctive relief for remedial cleanup, recovery of response costs, and damages for injuries to natural resources against 49 defendants (''Settling Defendants), relating to the Sutton Brook Disposal Area Superfund Site in Tewksbury, Massachusetts (''Site''), pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9606 and 9607(a). The Commonwealth of Massachusetts (''Commonwealth'') has asserted parallel claims under CERCLA and related State provisions, and is a co-plaintiff to the proposed Consent Decree.

To resolve the United States' injunctive relief claim under Section 106 of CERCLA, 42 U.S.C. 9606, the proposed Consent Decree requires 20 Settling Defendants to perform the Remedial Design/Remedial Action set forth in the Record of Decision for the Site (''Performing Settling Defendants''). This remedial cleanup includes construction of a multi-layer, impermeable cap over the area of the Site that was a former landfill; construction of a groundwater pump and treatment system to collect and treat contaminated groundwater; long-term monitoring; and implementation of restrictions on future uses of the Site. The total estimated cost of the remedial cleanup for the Site is approximately $30 million ($29.98 million).

To resolve the United States' claims for cost recovery and damages for injuries to natural resources under Section 107 of CERCLA, 42 U.S.C. 9607, the Consent Decree requires Settling Defendants to reimburse the United States for all future response costs, and costs incurred to oversee the remedy, as set forth in the Consent Decree. Settling

Defendants will also reimburse the Commonwealth for all future response costs, costs incurred to oversee the remedy, and $512,000 in past response costs. In addition, Settling Defendants will pay $825,000 to the U.S. Department of Interior, which includes $62,752 in assessment costs, to be used to fund restoration projects in connection with the Site for natural resources under the Federal and/or joint Federal and State trusteeship. Settling Defendants will also pay $825,000 to the Commonwealth, which includes $44,270 in assessment costs, to be used to fund restoration projects in connection with the Site for natural resources under the Commonwealth's trusteeship.

Beside the 20 Performing Settling Defendants, the proposed Consent Decree includes six Cashout Settling Defendants and 23 *De Minimis* Settling Defendants, each of whom will pay its respective allocated share of responsibility for the Site contamination, including standard premiums, into a trust to be used by the Performing Settling Defendants to pay for the remedial cleanup, response costs, and damages for injuries to natural resources. In exchange for the payments to be made and work to be performed, the Settling Defendants will receive contribution protection and a covenant not to sue under Sections 106 and 107 of CERCLA for remedial cleanup, response costs, and natural resources damages relating to the Site, subject to certain reservation of rights.

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, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to either: *United States* v. *Ausimont Industries, Inc., et al.,* Civil Action No. 1:09–cv–12169, D.J. Ref. 90–11–2–07854/1 and 90–11–2–07854/2. The Consent Decree may be examined at the Office of the United States Attorney for the District of Massachusetts, One Courthouse Way, Suite 9200, Boston, Massachusetts, and at U.S. EPA Region 1, 5 Post Office Square—Suite 100, Boston, Massachusetts. 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/Consent_Decrees.html.* A copy of the Consent Decrees may also be obtained by mail from the Consent Decree Library, P.O. 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*), fax no. (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of $112.75 (25 cents per page reproduction cost), or, if by e-mail or fax, forward a check in the applicable amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of exhibits and signature pages, please enclose a check, payable to the U.S. Treasury, in the amount of $18 (25 cents per page reproduction cost).

Maureen Katz,

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

[FR Doc. E9–30960 Filed 12–29–09; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection; Comment Request; Petition for Finding Under Section 3(40) of ERISA

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This program helps the Department assess the impact of its information collection requirements and minimize the reporting burden on the public. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. Currently, the Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collections contained in regulations pertaining to the Department's procedures to making a finding under section 3(40) of the Employee Retirement Income Security Act of 1974 (ERISA) as to whether an employee benefit plan is established and maintained pursuant to one or more collective bargaining agreements. A copy of the information collection request (ICR) can be obtained by contacting the office shown in the **ADDRESSES** section of this notice or at *http://www.RegInfo.gov.*

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before March 1, 2010.

ADDRESSES: Direct all written comments to G. Christopher Cosby, Office of Policy and Research, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–5647, Washington, DC 20210. Telephone: (202) 693–8410; Fax: (202) 219–4745. These are not toll-free numbers. Comments may also be submitted electronically to the following Internet e-mail address: *ebsa.opr@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Rules codified beginning at 29 CFR 2570.150 set forth an administrative procedure (''procedural rules'') for obtaining a determination by the Department as to whether a particular employee benefit plan is established or maintained under or pursuant to one or more collective bargaining agreements for purposes of section 3(40) of ERISA. These procedural rules concern specific criteria set forth in 29 CFR 2510.3–40 (''criteria rules''), which, if met, constitute a finding by the Department that a plan is collectively bargained. Plans that meet the requirements of the criteria rules are not subject to state law. Among other requirements, the procedural rules require submission of a petition and affidavits by parties seeking a finding. The Department has obtained approval from the Office of Management and Budget (OMB), under OMB Control No. 1210–0119, for the information collections contained in its rules for a finding under section 3(40). This approval is currently scheduled to expire on April 30, 2010.

II. Current Actions

This notice requests comments on an extension of OMB's approval of the information collections included in 29 CFR 2510.3–40. After considering comments received in response to this notice, the Department intends to submit an ICR to OMB for continuing approval of the information collection contained in 29 CFR 2510.3–40. No change to the existing ICR is proposed or made at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid