

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. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 15, 2007, based on a complaint filed by Funai Electric Co., Ltd. of Japan and Funai Corporation of Rutherford, New Jersey (collectively "Funai") against several respondents including Vizio and AmTran. 72 FR 64240 (2007). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital television products and certain products containing same by reason of infringement of one or more claims of U.S. Patent Nos. 6,115,074 ("the '074 patent") and 5,329,369.

On April 10, 2009, the Commission terminated this investigation with a finding of violation of Section 337 by reason of infringement of claims 1, 5, and 23 of the '074 patent. 74 FR 17511 (2009). The Commission issued a limited exclusion order prohibiting importation into the United States of certain digital televisions and certain products containing the same within the scope of the investigation that are covered by one or more of claims 1, 5, and 23 of the '074 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of various respondents in the above referenced investigation, including Vizio, Inc. ("Vizio"); AmTran Technology Co., Ltd. ("AmTran"); Syntax-Brilliant Corporation ("SBC"); Taiwan Kolin Co., Ltd.; Proview International Holdings, Ltd.; Proview Technology (Shenzhen) Co., Ltd.; Proview Technology, Ltd.; TPV Technology, Ltd. ("TPV Technology"); TPV International (USA), Inc. ("TPV USA"); Top Victory Electronics (Taiwan) Co., Ltd. ("Top Victory Electronics"); and Envision Peripherals, Inc. ("Envision"). Cease-and-desist

orders were issued against Vizio, TPV USA, Envision, and SBC.

Respondents Vizio, AmTran, TPV Technology, TPV USA, Top Victory Electronics, and Envision appealed to the United States Court of Appeals for the Federal Circuit ("Federal Circuit"). On May 26, 2010, the Federal Circuit issued a decision reversing certain Commission findings of infringement by so-called "work-around" products and ordering the Commission to take action consistent with its opinion. *See Vizio, Inc. v. Int'l Trade Comm'n*, 605 F.3d 1330 (Fed. Cir. 2010).

Shortly before the Federal Circuit issued its opinion, respondents Vizio and AmTran settled with complainant Funai and moved to rescind the limited exclusion order and cease-and-desist orders with respect to these respondents. On August 9, 2010, the Commission rescinded the limited exclusion order and the cease-and-desist orders with respect to Vizio and AmTran.¹

The Federal Circuit issued its mandate on October 28, 2010 *sub nom. TPV Technology v. U.S. International Trade Commission*. In accordance with the Federal Circuit's order, the Commission has determined to modify the limited exclusion order and the cease-and-desist orders directed to the activities of TPV USA and Envision.

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 210.76(a)(1) of the Commission's Rules of Practice and Procedure (19 CFR 210.76(a)(1)).

By order of the Commission.

Issued: December 21, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act and Chapter 11 of the United States Bankruptcy Code

Notice is hereby given that on December 20, 2010, a proposed Settlement Agreement ("Agreement") in *In re Erving Industries, Inc.*, Case No. 09-30623 (Bankr. D. Mass.), was lodged

¹ The Commission has not modified the cease-and-desist order directed to SBC because the findings of infringement by SBC were not appealed and therefore remain intact.

with the United States Bankruptcy Court for the District of Massachusetts. The Agreement was entered into by the United States, on behalf of the United States Environmental Protection Agency ("EPA") and the United States Army Corps of Engineers (the "Corps"), and Erving Industries, Inc. ("Debtor"). The Agreement relates to liabilities of the Debtor under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 *et seq.* ("CERCLA").

The Agreement provides that the Past Response Cost Claim shall be allowed as an unsecured claim in the amount of \$25,000, and paid as an unsecured claim in accordance with the terms of the Debtor's plan of reorganization.

This Agreement does not preclude: (a) Claims against the Debtor by the United States under Section 107 of CERCLA, 42 U.S.C. 9607, for recovery of response costs incurred after January 15, 2010 with respect to response actions taken at Debtor-Owned Property, the Mill, and/or the Birch Hill Dam Area including such response actions taken to address hazardous substances that have migrated or that may migrate from such Debtor-Owned Property, and/or the Mill, including but not limited to the Birch Hill Dam Area; and (b) Actions against the Debtor by the United States under CERCLA or RCRA seeking to compel the performance of a removal action, remedial action, corrective action, closure or any other cleanup action at Debtor-Owned Property, and/or the Mill, including actions to address hazardous substances that have migrated, or that may migrate, from such Debtor-Owned Property, and/or the Mill, including but not limited to the Birch Hill Dam Area. The Debtor further agrees that such claims are not discharged or impacted in any way by the bankruptcy proceeding or confirmation of plan of reorganization. The United States has available to it all avenues to pursue such enforcement actions, and both parties reserve all defenses and counterclaims, except those provided under the Bankruptcy Code.

Under the Agreement, the Debtor must comply with all obligations under the 2007 Consent Decree entered in *United States v. Baldwinville Products, Inc., et al.* (C.A. No. 4:07-CV-40146) (D. Mass.). These obligations are not effected in any way by this bankruptcy proceeding or confirmation of a plan of reorganization.

Under the Agreement, the United States covenants not to bring civil or administrative actions against the Debtor pursuant to Section 107 of CERCLA relating to Past Response

Costs. This covenant not to sue is conditioned upon the complete and satisfactory performance by the Debtor of its obligations under the Agreement. The covenant not to sue applies only to the Debtor and does not prevent the United States from suing other persons. Additionally, the covenant not to sue is limited to Section 107 actions under CERCLA related to Past Response Costs; the United States reserves its rights to all other claims against the Debtor. The Debtor also covenants not to sue or to assert any claims against the United States with respect to Past Response Costs.

For a period of 30 days from the date of this publication, the Department of Justice will receive comments relating to the Agreement. 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, and should refer to *In re Erving Industries, Inc.*, Case No. 09–30623 (Bankr. D. Mass) and D.J. Ref. No. 90–11–3–1728/2. A copy of the comments should be sent to Catherine Adams Fiske, Department of Justice, Environmental Enforcement Section, One Gateway Center, Suite 616, Newton, MA 02458 or e-mailed to her at addie.fiske@usdoj.gov.

The Agreement may be examined at the Office of the United States Attorney, District of Massachusetts, 595 Main St # 206, Worcester, MA 01608–2025. During the public comment period, the Agreement may also be examined on the following Department of Justice website, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Agreement 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 of the Agreement from the Consent Decree Library, please enclose a check in the amount of \$2.75 (25 cents per page reproduction cost) payable to the U.S. Treasury (if the request is by fax or email, forward a check to the Consent Decree library at the address stated above).

Maureen Katz,

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

[FR Doc. 2010–32378 Filed 12–23–10; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0028]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Inventories, Licensed Explosives Importers, Manufacturers, Dealers, and Permittees.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 75, Number 204, page 65381 on October 22, 2010, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until January 26, 2011. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Inventories, Licensed Explosives Importers, Manufacturers, Dealers, and Permittees.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF REC 5400/1. Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: none. Abstract: The records show the explosive material inventories of those persons engaged in various activities within the explosive industry and are used by the government as initial figures from which an audit trail can be developed during the course of a compliance inspection or criminal investigation. Licensees and permittees shall keep records on the business premises for five years from the date a transaction occurs or until discontinuance of business or operations by licensees or permittees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 13,106 respondents, who will complete the records within approximately 2 hours.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 26,212 total burden hours associated with this collection.

If additional information is required contact: Lynn Murray, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Two Constitution Square, Room 2E–502, 145 N Street, NE., Washington, DC 20530.