

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2009).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on October 5, 2009, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain hybrid electric vehicles or components thereof that infringe one or more of claims 11 and 39 of U.S. Patent No. 5,343,970, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact on this issue;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Paice LLC22957, Shady Knoll Drive, Bonita Springs, FL 34135.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Toyota Motor Corporation, 1 Toyota-Cho, Toyota City, Aichi Prefecture 471-8571, Japan.

Toyota Motor North America, Inc., 9 West 57th Street, Suite 4900, New York, NY 10019.

Toyota Motor Sales, U.S.A., Inc., 19001 S. Western Avenue, Torrance, CA 90509.

(c) The Commission investigative attorney, party to this investigation, is Erin D.E. Joffre, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against a respondent.

Issued: October 5, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-24399 Filed 10-8-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-09-026]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** October 13, 2009 at 2 p.m.

**PLACE:** Room 101, 500 E Street, SW., Washington, DC 20436, *Telephone:* (202) 205-2000.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:**

1. Agenda for future meetings: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 731-TA-753, 754, and 756 (Second Review) (Cut-to-Length Carbon Steel Plate from China, Russia, and Ukraine)—briefing and vote. (The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the

Secretary of Commerce on or before October 26, 2009.)

5. Outstanding action jackets: none. In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: October 5, 2009.

By order of the Commission.

**William R. Bishop,**

*Hearings and Meetings Coordinator.*

[FR Doc. E9-24499 Filed 10-7-09; 11:15 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on October 5, 2009, the United States lodged a proposed Consent Decree ("Consent Decree") in the United States District Court for the Eastern District of Louisiana in the matter captioned *United States and State of Louisiana v. Mosaic Fertilizer, LLC*, Civil Action No. 2:09-cv-6662.

In this action, the United States and the State of Louisiana sought injunctive relief and civil penalties in connection with sulfur dioxide ("SO<sub>2</sub>") emitted from two sulfuric acid production units at the Mosaic Fertilizer, LLC ("Mosaic") Uncle Sam plant, located in Uncle Sam, Louisiana. The United States and the State of Louisiana alleged in a complaint ("Complaint") filed simultaneously with the lodging of the Consent Decree that Mosaic was liable under the New Source Review Prevention of Significant Deterioration ("PSD") provisions of the Clean Air Act, 42 U.S.C. 7475(a), and the PSD provisions of the federally-approved Louisiana Air Control Commission Implementation Plan, for the failure to obtain a preconstruction PSD permit incorporating the best available control technology ("BACT") when modifications were made to the sulfuric acid production units known as the Uncle Sam A Train and Uncle Sam D Train, and for the subsequent operation of those units without a PSD permit incorporating BACT. The Complaint also alleged that Mosaic violated the New Source Performance Standards ("NSPS"), set forth at 40 CFR 60.82-60.84, promulgated by EPA under Section 111(b)(1) of the Clean Air Act, 42 U.S.C. 7411(b)(1), which became applicable to the Uncle Sam A Train upon its modification.

Under the terms of the Consent Decree, the civil claims for relief

concerning the Uncle Sam Plant A Train and D Train would be resolved, and Mosaic would be required to (1) reduce emissions of SO<sub>2</sub> from the Uncle Sam A Train and D Train to rates consistent with BACT; and (2) pay a civil penalty of \$2.4 million (\$1.8 million to the United States and \$600,000 to the State of Louisiana). In addition, Mosaic will undertake a project to reduce SO<sub>2</sub> emissions from the third sulfuric acid production unit at the Uncle Sam plant, known as the Uncle Sam E Train. For reasons independent of this civil action, Mosaic has ceased sulfuric acid production at its Mulberry plant in Bartow, Florida, and plans to permanently terminate production at that facility. The Consent Decree prohibits Mosaic from using the emission credits generated by that shutdown to permit increased SO<sub>2</sub> emissions at another of its facilities.

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](mailto: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 *United States, et al. v. Mosaic Fertilizer, LLC*, D.J. Ref. No. 90-5-2-1-08957.

The Consent Decree may be examined at the Office of the United States Attorney, 500 Poydras Street, Room B-210, New Orleans, Louisiana 70130 and at U.S. EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed 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 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto: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 in the amount of \$13.25 for a copy of a version without signature pages and appendices (25 cents per page reproduction cost), or \$22.00 for a copy of a version that includes all signature pages and appendices, payable to the U.S. Treasury or, if by e-mail or fax, forward a check in the stated amount for the

version selected to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

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**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### **Proposed Information Collection Request Submitted for Public Comment and Recommendations; Daily Inspection of Surface Coal Mine; Certified Person; Reports of Inspection (Pertains to Surface Coal Mines)**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the extension of the information collection related to the 30 CFR section 77.1713; Daily Inspection of Surface Coal Mine; Certified Person; Reports of Inspection.

**DATES:** Submit comments on or before December 8, 2009.

**ADDRESSES:** Send comments to U.S. Department of Labor, Mine Safety and Health Administration, John Rowlett, Director, Management Services Division, 1100 Wilson Boulevard, Room 2134, Arlington, VA 22209-3939. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to [Rowlett.John@dol.gov](mailto:Rowlett.John@dol.gov), along with an original printed copy. Mr. Rowlett can be reached at (202) 693-9827 (voice), or (202) 693-9801 (facsimile).

**FOR FURTHER INFORMATION CONTACT:**

Contact the employee listed in the **ADDRESSES** section of this notice.

**SUPPLEMENTARY INFORMATION:**

## I. Background

§ 77.1713 requires coal mine operators to conduct examinations of each active working area of surface mines, active surface installations at these mines, and preparation plans not associated with underground coal mines for hazardous conditions during each shift. A report of hazardous conditions detected must be entered into a record book along with a description of any corrective actions taken.

## II. Desired Focus of Comments

MSHA is particularly interested in comments that:

- 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 agency's 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 submissions of responses.

A copy of the proposed information collection request can be obtained by contacting the employee listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, or viewed on the Internet by accessing the MSHA home page (<http://www.msha.gov>) and selecting "FedReg. Docs". On the next screen, select "Paperwork Reduction Act Supporting Statement" to view documents supporting the **Federal Register** Notice.

## III. Current Actions

Under 30 CFR 77.1713, coal mine operators to conduct examinations of each active working area of surface mines, active surface installations at these mines, and preparation plans not associated with underground coal mines for hazardous conditions during each shift. A report of hazardous conditions detected must be entered into a record book along with a description of any corrective actions taken.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.