

(a) The quantity and value (landed, duty-paid but not including antidumping) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country(ies)*, provide the following information on your firm's(s') operations on that product during calendar year 2009 (report quantity data in metric tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Subject Merchandise* in each *Subject Country* (i.e., the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) The quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods;

development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country(ies)*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 24, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-4163 Filed 2-26-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on February 22, 2010, a proposed Consent Decree in *United States v. Cummins, Inc.*, case number 1:10-cv-00275, was lodged with the United States District Court for the District of Columbia.

The Decree resolves the claims of the United States against Cummins, Inc. ("Cummins") for violations of Title II of the Clean Air Act, 42 U.S.C. 7521 *et seq.* (the "Act"). The United States alleged that Cummins sold, offered for sale, or introduced or delivered for introduction into commerce new motor vehicle engines not covered by certificates of conformity, because the engines as actually sold, offered for sale, or introduced or delivered for introduction into commerce are materially different from the engines described in Cummins' applications for certificates of conformity, in that the engines were not equipped with the required emission

control system or aftertreatment device. Under the proposed Decree, Cummins shall: Pay a penalty of \$2.1 million, of which \$1,680,000 shall be paid to the United States and the remainder to the State of California under a parallel administrative agreement; institute a voluntary recall of the affected engines; retire 167.1 tons of NO<sub>x</sub> and 30.5 tons of PM, the entire amount of excess pollution attributable to the violation; and dismiss with prejudice a pending Petition for Review in the DC Circuit.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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 the Consent Decree between the United States and Cummins, DOJ Ref. No. 90-5-2-1-09351.

During the public comment period, the Decree may 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 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 \$8.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

[FR Doc. 2010-4023 Filed 2-26-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on February 23, 2010, a proposed Consent Decree in *United States v. Schlumberger Technology Corporation*, Civil Action No. 2:10-cv-00783-TON, D.J. Ref. 90-

11-3-09285 was lodged with the United States District Court for the Eastern District of Pennsylvania.

In this action the United States sought reimbursement of response costs incurred in connection with the release or threatened release of hazardous substances at the North Penn 12 Superfund Site, Worcester Township, Montgomery County, Pennsylvania (the "Site"). The Consent Decree obligates the Settling Defendant to reimburse \$10,429.94 of the United States' past response costs paid in connection with the Site, and to pay future response costs to be incurred by the United States at the Site as well.

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 emailed 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 v. Schlumberger Technology Corporation*, Civil Action No. 2:10-cv-00783-TON, D.J. Ref. 90-11-3-09285.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250 Philadelphia, PA 19106, and at U.S. EPA Region 3. 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 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 \$6.75 (@ 25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

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

[FR Doc. 2010-4060 Filed 2-26-10; 8:45 am]

**BILLING CODE 4410-15-P**

**NATIONAL SCIENCE FOUNDATION**

**Notice of Buy American Waiver Under the American Recovery and Reinvestment Act of 2009**

**AGENCY:** National Science Foundation (NSF).

**ACTION:** Notice.

**SUMMARY:** The National Science Foundation (NSF) has granted a limited waiver of section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act), Public Law 111-5, 123 Stat. 115, 303 (2009), with respect to the purchase of the bow thruster that will be used in the Alaska Region Research Vessel (ARRV). A bow thruster is a propulsion device that is built into a vessel's bow to make it more maneuverable and better able to hold a certain position or orientation at sea.

**DATES:** March 1, 2010.

**ADDRESSES:** National Science Foundation, 4201 Wilson Blvd., Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey Leithead, Division of Acquisition and Cooperative Support, 703-292-4595.

**SUPPLEMENTARY INFORMATION:** In accordance with section 1605(c) of the Recovery Act and section 176.80 of Title 2 of the Code of Federal Regulations, the National Science Foundation (NSF) hereby provides notice that on January 28, 2010, the NSF Director granted a limited project waiver of section 1605 of the Recovery Act (Buy American provision) with respect to the bow thruster that will be used in the ARRV. The basis for this waiver is section 1605(b)(2) of the Recovery Act, in that 360-degree azimuthing, 686-kW (920 hp), ice certified bow thrusters of satisfactory quality are not produced in the United States in sufficient and reasonably available commercial quantities. The cost of the bow thruster represents approximately 0.5% of the total \$148 million Recovery Act award provided toward construction of the ARRV.

**I. Background**

The Recovery Act appropriated \$400 million to NSF for several projects being funded by the Foundation's Major Research Equipment and Facilities Construction (MREFC) account. The ARRV is one of NSF's MREFC projects. Section 1605(a) of the Recovery Act, the Buy American provision, states that none of the funds appropriated by the Act "may be used for a project for the construction, alteration, maintenance, or repair of a public building or public

work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States."

The ARRV has been developed under a cooperative agreement awarded to the University of Alaska, Fairbanks (UAF) that began in 2007. Shipyard selection is complete and UAF executed the construction contract in December 2009. The purpose of the Recovery Act is to stimulate economic recovery in part by funding current construction projects like the ARRV that are "shovel ready" without requiring projects to revise their standards and specifications, or to restart the bidding process again.

Subsections 1605(b) and (c) of the Recovery Act authorize the head of a Federal department or agency to waive the Buy American provision if the head of the agency finds that: (1) Applying the provision would be inconsistent with the public interest; (2) the relevant goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) the inclusion of the goods produced in the United States will increase the cost of the project by more than 25 percent. If the head of the Federal department or agency waives the Buy American provision, then the head of the department or agency is required to publish a detailed justification in the **Federal Register**. Finally, section 1605(d) of the Recovery Act states that the Buy American provision must be applied in a manner consistent with the United States' obligations under international agreements.

**II. Finding That Relevant Goods Are Not Produced in the United States in Sufficient and Reasonably Available Quality**

The vessel's operational design requirements, as set forth in the Science Mission Requirements and documented in the UAF's proposal, dictate two particular bow thruster specifications: (1) A certification for use in ice to permit independent operations in the Arctic; and (2) a requirement to hold the ship in a specific location or orientation for science operations. Consequently, a design was prepared that included a bow thruster and an ice wedge located on the hull. An ice wedge is a projection at the front of a vessel below the water line that moves ice to the sides as the bow breaks and pushes it down. This particular hull form, together with the requirements to hold the ship in a certain position at sea, further constrains the bow thruster design, resulting in the following four technical requirements of any bow thruster for this particular vessel: