

337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in sections 210.42(h) and 210.43 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42(h), 210.43.

By order of the Commission.

Issued: September 24, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-24565 Filed 9-29-10; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-686]

### In the Matter of Certain Bulk Welding Wire Containers and Components Thereof and Welding Wire; Notice of Commission Determination To Review-In-Part a Final Initial Determination and To Affirm the Finding of No Violation of Section 337; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review a portion of the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on July 29, 2010 finding no violation of section 337 in the above-captioned investigation, but to affirm his finding of no violation.

**FOR FURTHER INFORMATION CONTACT:** Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-4737. Copies of non-confidential 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. 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 September 8, 2009, based on a

complaint filed by the Lincoln Electric Company of Cleveland, Ohio and Lincoln Global, Inc. of City of Industry, California (collectively, "Lincoln"). 74 FR 46223 (Sept. 8, 2009). The complaint alleged violations 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 bulk welding wire containers, components thereof, and welding wire by reason of infringement of certain claims of United States Patent Nos. 6,260,781; 6,648,141; 6,708,864 ("the '864 patent"); 6,913,145; 7,309,038; 7,398,881; and 7,410,111. *Id.* The amended complaint named the following respondents: Atlantic China Welding Consumables, Inc. of Sichuan, China ("Atlantic"); The ESAB Group, Inc. of Florence, South Carolina ("ESAB"); Hyundai Welding Co., Ltd. of Seoul, Korea ("Hyundai"); Kiswel Co., Ltd. of Seoul, Korea ("Kiswel"); and Sidergas SpA of Ambrogio (Verona), Italy ("Sidergas"). 74 FR 61706 (Nov. 25, 2009). Respondents Hyundai, Kiswel, and Atlantic were subsequently terminated from the investigation, leaving ESAB and Sidergas as the only respondents remaining. In addition, all but the '864 patent were terminated from this investigation.

On July 29, 2010, the ALJ issued a final ID finding no violation of Section 337 by respondents ESAB or Sidergas. The ALJ concluded that none of the accused ESAB and Sidergas products infringe asserted claims 3, 4, 6, 12, or 13 of the '864 patent. The ALJ further concluded that claim 3 of the '864 patent is invalid under 35 U.S.C. 102(b) and that claims 4, 6, 12, and 13 of the '864 patent are valid and enforceable. The ALJ did find that complainant satisfied both the technical and the economic prong of the domestic industry requirement with respect to the '864 patent. On August 11, 2010, Lincoln filed a petition for review. On the same day, respondents ESAB and Sidergas filed a consolidated petition for review. The IA did not file a petition for review.

Having examined the record of this investigation, including the ALJ's final ID and the submissions of the parties, the Commission has determined to affirm the ALJ's determination that there is no violation of Section 337. Specifically, the Commission has determined to affirm the ALJ's determination that there is no literal infringement of the asserted claims. The Commission has also determined to affirm the ALJ's determination that there is no infringement of the asserted claims under the doctrine of equivalents based on (1) the ALJ's finding that substantial

differences exist between the accused products and the asserted claims, and (2) the ALJ's application of *Johnson & Johnston Assoc. Inc. v. R.E. Services Co.*, 285 F.3d 1036 (Fed. Cir. 2002) (*en banc*). The Commission has determined to review the following four issues and to take no position on them: (1) The claim construction of the terms "substantially lying in a single plane" recited in independent claim 3 and "substantially in one plane" recited in independent claims 6 and 12; (2) the priority date of the asserted claims; (3) invalidity of claim 3 under 35 U.S.C. 102(b); and (4) validity of claims 4, 6, 12, and 13 under 35 U.S.C. 102(b). No other issues are being reviewed.

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 sections 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.42-46 and 210.50).

By order of the Commission.

Issued: September 24, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-24566 Filed 9-29-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2010-0040]

#### Concrete and Masonry Construction; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Standard on Concrete and Masonry Construction (29 CFR part 1926, subpart Q).

**DATES:** Comments must be submitted (postmarked, sent, or received) by November 29, 2010.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

**Facsimile:** If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

**Mail, hand delivery, express mail, messenger, or courier service:** When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0040, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

**Instructions:** All submissions must include the Agency name and OSHA docket number (OSHA-2010-0040) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the "Public Participation" heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

**Docket:** To read or download comments or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

**FOR FURTHER INFORMATION CONTACT:** Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N-3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693-2222.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the

Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The warning signs/barriers required by paragraph 1926.701(c)(2) reduce exposure of non-essential workers to the hazards of post-tensioning operations, principally a failed rope or wire striking a worker and causing serious injury. The requirements to lockout and tag ejection systems and other hazardous equipment (e.g., compressors, mixers, screens or pumps used for concrete and masonry construction) specified by paragraphs 1926.702(a)(2), (j)(1), and (j)(2) warn equipment operators not to activate their equipment if another worker enters the equipment to perform a task (e.g., cleaning, inspecting, maintenance, repairing); thereby preventing serious injury or death.

Construction contractors and workers use the drawings, plans, and designs required by paragraph 1926.703(a)(2), to provide specific instructions on how to construct, erect, brace, maintain, and remove shores and formwork if they pour concrete at the jobsite. Paragraph 1926.705(b) requires employers to mark the rated capacity of jacks and lifting units. This requirement prevents overloading and subsequent collapse of jacks and lifting units, as well as their loads, thereby sparing exposed workers from serious injury and death.

##### **II. Special Issues for Comment**

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements,

including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

##### **III. Proposed Actions**

OSHA is requesting an adjustment decrease of 3,485 burden hours (from 15,088 hours to 11,603 hours). The decrease is a result of the decreased number of construction worksites from 2.43 million to 725,199.

**Type of Review:** Extension of a currently approved collection.

**Title:** Concrete and Masonry Construction (29 CFR part 1926, subpart Q).

**OMB Number:** 1218-0095.

**Affected Public:** Business or other for-profits.

**Number of Respondents:** 145,040.

**Frequency:** On occasion.

**Average Time per Response:** Five minutes (.08 hour) to post or place warning signs, locks, or tags.

**Estimated Total Burden Hours:** 11,603.

**Estimated Cost (Operation and Maintenance):** \$0.

##### **IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions**

You may submit comments in response to this document as follows:

(1) Electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA-2010-0040). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (*see* the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office

at (202) 693-2350, (TTY) (877) 889-5627).

Comments and submissions are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the <http://www.regulations.gov> index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the <http://www.regulations.gov> Web site to submit comments and access the docket is available at the Web site's "User Tips" link. Contact the OSHA Docket Office for information about materials not available through the Web site, and for assistance in using the Internet to locate docket submissions.

#### V. Authority and Signature

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5-2007 (72 FR 31160).

Signed at Washington, DC on September 27, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010-24560 Filed 9-29-10; 8:45 am]

BILLING CODE 4510-26-P

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## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Proposed Extension of Information Collection Request Submitted for Public Comment; Affordable Care Act Enrollment Opportunity Notice Relating to Dependent Coverage; Affordable Care Act Grandfathered Health Plan Disclosure and Recordkeeping Requirement; Affordable Care Act Rescission Notice; Affordable Care Act Patient Protections Notice; Affordable Care Act Enrollment Opportunity Notice—Prohibition on Lifetime Limits

**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 95) (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 helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection provisions of the regulations under the Patient Protection and Affordable Care Act (Affordable Care Act) that are discussed below. A copy of the information collection requests (ICRs) may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at [reginfo.gov](http://www.reginfo.gov/public/do/PRAMain) (<http://www.reginfo.gov/public/do/PRAMain>).

**DATES:** Written comments must be submitted to the office shown in the Addresses section on or before November 29, 2010.

**ADDRESSES:** G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 693-8410, FAX (202) 693-4745 (these are not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of the information collection requests (ICRs) contained in the rules described below that relate to the Affordable Care Act. OMB approved the ICRs under the emergency procedures for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35) and 5 CFR 1320.13. The Department is not proposing any changes to the existing ICRs 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 OMB control number. A summary of the ICRs and the current burden estimates follows:

*Agency:* Employee Benefits Security Administration, Department of Labor.

*Title:* Affordable Care Act Enrollment Opportunity Notice Relating to Dependent Coverage.

*Type of Review:* Extension without change of a currently approved collection of information.

*OMB Number:* 1210-0139.

*Affected Public:* Individuals or households; Business or other for-profit; Not-for-profit institutions.

*Respondents:* 2,800,000.

*Responses:* 79,573,000.

*Estimated Total Burden Hours:* 411,000.

*Estimated Total Burden Cost (Operating and Maintenance):* \$1,233,500.

*Description:* Section 2714 of the Public Health Service Act (PHS Act), as added by the Affordable Care Act, and the Department's interim final regulation (29 CFR 2590.715-2714) require group health plans and health insurance issuers offering group or individual health insurance coverage that makes dependent coverage available for children to continue to make coverage available to such children until the attainment of age 26. Coverage does not have to be extended to children of a child receiving dependent coverage. For plan years beginning on or after September 23, 2010 and before January 1, 2014, a grandfathered group health plan is not required to offer coverage to a dependent child under 26 who is otherwise eligible for employer-sponsored insurance. For plans with initial years on or after January 1, 2014, the plan must offer coverage regardless of whether the dependent child is otherwise eligible for coverage through employer sponsored insurance.

Before the applicability date of PHS Act section 2714, an individual who was covered under a group health plan (or group health insurance coverage) as a dependent may have lost eligibility for coverage under the plan due to age before attaining age 26. Moreover, if a child was under age 26 when a parent first became eligible for coverage, but older than the age at which the plan stopped covering children, the child would not have become eligible for coverage. When the provisions of PHS Act section 2714 become applicable to the plan (or coverage), the plan or coverage can no longer exclude coverage for the individual until age 26.

Accordingly, the interim final regulation (29 CFR 2590.715-2714(f)) requires plans to provide a notice of an enrollment opportunity to individuals whose coverage ended, or who was denied coverage (or was not eligible for coverage) under a group health plan or group health insurance coverage because, under the terms of the plan or coverage, the availability of dependent coverage of children ended before the attainment of age 26. The Affordable Care Act dependent coverage enrollment opportunity notice is an