

the "Submissions" section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., November 12, 2010; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., November 26, 2010.

**Written Submissions:** In lieu of or in addition to participating in the hearing and filing briefs and statements relating to the hearing, interested parties are invited to file written submissions concerning these investigations. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., November 18, 2010. All written submissions must conform with the provisions of § 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed, in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/documents/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf)). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000).

Any submissions that contain confidential business information must also conform with the requirements of § 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties. The Commission may include some or all of the confidential business information submitted in the course of the investigations in the report it sends to the USTR. The Commission will not otherwise publish any confidential business information in a manner that would reveal the operations of the firm supplying the information.

By order of the Commission.

Issued: October 15, 2010.

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. 2010-26377 Filed 10-20-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree

Notice is hereby given that on September 17, 2010, an electronic version of a proposed Consent Decree was lodged in the United States District Court for the Western District of Kentucky in *United States and the Commonwealth of Kentucky v. Westlake Vinyls, Inc. and Westlake PVC Corporation*, No. 5:10-CV-00168-TBR. The Consent Decree resolves claims of the United States and the Commonwealth of Kentucky against Westlake Vinyls, Inc. and Westlake PVC Corporation ("Westlake") for civil penalties and injunctive relief based on violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*, as well as the Air Implementation Plan for the Commonwealth of Kentucky (the "Kentucky SIP") promulgated and approved by EPA pursuant to the Clean Air Act; the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and applicable laws and regulations implementing the Clean Water Act; the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.* and implementing regulations; Sections 103(a) and 109(c) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9603(a) and 9609(c), and implementing regulations codified at 40 CFR part 302; and sections 304, 313 and 325(b)(3) of the Emergency Planning and Community Right-to-Know Act of 1986 ("EPCRA"), 42 U.S.C. 11004, 11013 and 11045(b)(3).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed 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. Westlake Vinyls, Inc. et al.*, No. 5:10-CV-00168-TBR and DOJ No. 90-5-2-1-08097.

Under the proposed consent decree, Westlake will perform injunctive relief. With regard to Clean Air Act injunctive relief, Westlake will implement a reroute of certain vent streams so that at

least 40% of the emissions from an absorber vent can be routed to the operating incinerator in case of an incinerator outage. The company has installed flow meters that will measure for compliance. Westlake will follow a specific protocol for three years in the case of both planned and unplanned incinerator outages. During all incinerator outages, Westlake will maintain the absorber vent as a Group 2 process vent under the Hazardous Organic NESHAP regulations.

For three years, Westlake will also implement an enhanced Leak Detection and Repair program to control emissions of hazardous air pollutants. In addition, Westlake will implement an enhanced daily monitoring for the cooling towers according to a protocol approved by EPA and the Commonwealth.

Under the consent decree, Westlake will submit revised Leak Detection and Elimination Plans, as required by applicable regulations, for the vinyl chloride and the polyvinyl chloride plants, including a Leak Detection Plan and an Area Monitoring Plan, with specific changes as outlined in the consent decree.

Westlake will review the most recent Total Annual Benzene ("TAB") report for the vinyl chloride plant to determine if the TAB report is in compliance with the compliance option Westlake has selected and will provide a report to EPA and the Commonwealth.

For purposes of New Source Review permitting under the Clean Air Act, the consent decree specifies that the polyvinyl chloride plant and the vinyl chloride plant are under Westlake's common control, and Westlake will not contest administratively or judicially a finding by the Commonwealth or any other permitting authority under the Clean Air Act that the two plants are a "single source" for purposes of permitting.

With respect to Resource Conservation and Recovery Act injunctive relief, Westlake will conduct a subsurface investigation and will perform any necessary remediation at various lift stations at the polyvinyl chloride plant. Westlake will sample and test the integrity of lift stations 7 and 9 pursuant to an approved workplan and will perform a subsurface investigation of the facility if EPA decides one is required. In any case, Westlake will perform an investigation for Lift 8 pursuant to an approved work plan. Westlake will implement any corrective measures required by EPA, and will post financial assurance.

With regard to reporting of releases of hazardous substances under EPCRA/CERCLA, Westlake will review its

training procedures to ensure that all personnel are adequately trained and establish standard operating procedures. Westlake will modify its Spill/Release Reporting Policy according to protocol designed by EPA.

For Clean Water Act injunctive relief, Westlake will update its Spill Prevention Control and Countermeasures Plan ensuring that all regulated tanks are included and will comply with the plan.

The consent decree resolves the civil claims in the complaint filed in the case as well as violations listed in notices of violation issued to Westlake through the date of lodging of the decree on September 17, 2010. The United States will also covenant not to sue or take administrative action under Section 3008(a) and (h) of Resource Conservation and Recovery Act, 42 U.S.C. 6928(a) and (h), against Westlake for performance of the Resource Conservation and Recovery Act injunctive relief at the polyvinyl chloride plant, conditioned upon satisfactory performance.

EPA estimates that there will be a substantial reduction in hazardous air pollutant emission under the terms of the proposed consent decree. The incinerator rerouting, along with improved Leak Detection and Repair compliance, should result reductions of vinyl chloride emissions by approximately 2,280 pounds per year, ethylene emissions by approximately 204,687 pounds per year, and 1,2 dichloroethane emissions by approximately 1,284 pounds per year.

Under the proposed consent decree, Westlake will pay a civil penalty of \$800,000, of which \$700,000 will be paid to the United States and \$100,000 will be paid to the Commonwealth. Due to the Clean Water Act violations, \$12,500 of the civil penalty will go to Oil Spill Liability Trust Fund pursuant to 33 U.S.C. 1321(s).

The Consent Decree may be examined at the Office of the United States Attorney for the Western District of Kentucky, 501 Broadway, Room 29, Paducah, Kentucky 42001. During the public comment period, the Consent Decree may also be examined on the following Department of Justice: [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 \$43.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen Katz,**

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

[FR Doc. 2010-26415 Filed 10-20-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2010-0051]

#### Manlifts; 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 comments.

**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 Manlifts (29 CFR 1910.68).

**DATES:** Comments must be submitted (postmarked, sent, or received) by December 20, 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 a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2010-0051, 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-2010-0051) 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 effort in obtaining information (29 U.S.C. 657).