

agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 20, 2011.

**Stephen M. Sheffield,**

*Acting Chief, Division of Regulatory Support.*

[FR Doc. 2011-24534 Filed 9-23-11; 8:45 am]

BILLING CODE 4310-05-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-712]

### In the Matter of Certain Digital Set-Top Boxes and Components Thereof; Notice of Commission Determination to Grant Respondent's Petition For Reconsideration of the Commission Decision Not to Review a Final Initial Determination Finding a Violation of Section 337; Termination of the Investigation With a Finding of No Violation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (Athe Commission@) has determined to reconsider its decision not to review the final initial determination (AID@) issued by the presiding administrative law judge (AALJ@) on May 20, 2011, in the above-captioned investigation, and, on review, to find no violation of section 337 and terminate the investigation.

**FOR FURTHER INFORMATION CONTACT:** Jean H. Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3104. 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:** This investigation was instituted on April 21, 2010, based on a complaint filed by Verizon Communications Inc. and Verizon Services Corp. (collectively, AVerizon@), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain digital set-top boxes and components thereof, that infringe one or more of claim 14 of U.S. Patent No. 5,635,979; claim 38 of U.S. Patent No. 5,666,293; claim 13 of U.S. Patent No. 6,381,748 ("the '748 patent"); claim 14 of U.S. Patent No. 6,367,078; and claim 5 of U.S. Patent No. 7,561,214. 75 FR. 20861 (2010). Complainant named Cablevision Systems Corp. of Bethpage, New York (ACablevision@) as the only respondent. *Id.*

On May 20, 2011, the ALJ issued his final ID finding a violation of section 337. Specifically, the ALJ found that a violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain digital set-top boxes and components thereof that infringe claim 13 of the >748 patent. On July 21, 2011, the Commission determined not to review the ALJ's final ID, and requested that the parties file written submissions on the issues of remedy, the public interest, and bonding. *See* Notice of Commission Determination Not To Review a Final Initial Determination (Dated July 21, 2011). The parties filed timely opening and responsive submissions.

On August 8, 2011, respondent Cablevision filed a petition for reconsideration of the Commission's determination not to review the ALJ's finding of a violation of section 337 based on infringement of claim 13 of the >748 patent. Respondent sought reconsideration of the Commission's determination based on the August 2, 2011, entry of final judgment by the U.S. District Court for the Eastern District of

Virginia in *ActiveVideo Networks, Inc. v. Verizon Commc'ns Inc.*, No. 2:10-cv-248 (E.D. Va.) and the previous ruling in that action that claim 13 of the >748 patent is invalid. Complainant Verizon filed an opposition to respondent's petition, whereas the Commission investigative attorney filed a response supporting respondent's petition.

Having examined the record in this investigation, the Commission has determined to grant respondent's petition for reconsideration and waive its requirement that any petition for reconsideration be filed within 14 days of the action taken. Accordingly, the Commission has determined to review the ALJ's final ID and, on review, to find that there is no violation of section 337 in this investigation based on the preclusive effects of the district court's finding of invalidity. The investigation is terminated. A Commission opinion in support of this determination will be issued shortly.

The authority for this action is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 201.4 and 210.45-50 of the Commission's Rules of Practice and Procedure (19 CFR 201.4, 210.45-50).

By order of the Commission.

Issued: September 20, 2011.

**James R. Holbein,**

*Secretary to the Commission.*

[FR Doc. 2011-24576 Filed 9-23-11; 8:45 am]

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on September 12, 2011, a proposed Consent Decree in *United States et al. v. J.L. French LLC et al.*, Civil Action No. 2:11-CV-00860, was lodged with the United States District Court for the Eastern District of Wisconsin.

The Consent Decree would resolve claims for injunctive relief and the assessment of civil penalties asserted by the United States and the Commonwealth of Kentucky (collectively, "Plaintiffs") against J.L. French LLC and a related corporate entity Nelson Metal Products LLC (collectively, "Defendants") pursuant to Sections 113(b) and 304(a)(1) of the Clean Air Act, 42 U.S.C. 7413(b) and 7604(a)(1).

Defendants process aluminum scrap and dross to produce various secondary aluminum products, a process that results in emissions of regulated air

pollutants, including dioxins and furans, hydrogen chloride, particulate matter, and hydrocarbons. The Plaintiffs' complaint, filed concurrently with the Consent Decree, alleges that Defendants violated Section 112 of the Clean Air Act, 42 U.S.C. 7412; the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for Secondary Aluminum Production, codified at 40 CFR part 63, Subparts A and RRR; and related provisions of Kentucky law at three of its aluminum production facilities. Specifically, the complaint alleges that Defendant failed to demonstrate compliance with emission standards through valid performance testing, to design and install adequate capture and collection systems, to correctly establish and monitor operating parameters, and to comply with recordkeeping and reporting requirements.

The Consent Decree would require Defendants to retest emission units using model test protocols, adopt new monitoring practices, correct deficiencies in recordkeeping and reporting documents, shut down certain emission units, and apply for new operating permits at its facilities. The Consent Decree would also provide for an \$80,000 civil penalty, with \$50,000 paid to the United States and \$30,000 paid to the Commonwealth of Kentucky, based on a limited ability to pay as determined by the United States' review of Defendant's financial information.

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. J.L. French LLC, et al.*, D.J. Ref. No. 90-5-2-1-08881/1.

The Consent Decree may be examined at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. 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 \$16.00 for a copy of the complete Consent Decree (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. 2011-24604 Filed 9-23-11; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### Exemptions From Certain Prohibited Transaction Restrictions

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Grant of Individual Exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: [D-11513, 2011-18 Northern Trust Corporation; D-11576, 2011-19 Bank of America, NA et al.; and D-11659, 2011-20 Pacific Capital Bancorp Amended and Restated Incentive and Investment and Salary Savings Plan (the Plan)].

**SUPPLEMENTARY INFORMATION:** A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were

received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

### Northern Trust Corporation Located in Chicago, IL

*[Prohibited Transaction Exemption 2011-18; Exemption Application No. D-11513]*

#### Exemption

##### Section I. Transactions

The restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of ERISA and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A), (D), and (E) of the Code, shall not apply, effective October 31, 2008, to the sale (the Sale) by a Plan (as defined in Section III(e)) of an Auction Rate Security (ARS, as defined in Section III(c)) to Northern Trust Corporation or an affiliate thereof (Northern), if the conditions of Section II are met.<sup>1</sup>

##### Section II. Conditions

(a) The Plan acquired the ARS in connection with brokerage or advisory services provided by Northern to the Plan;

(b) The last auction for the ARS was unsuccessful;

(c) The Sale is made pursuant to a written offer by Northern (the Offer) containing all of the material terms of the Sale, in which the Plan would have

<sup>1</sup> For purposes of this exemption, references to section 406 of ERISA should be read to refer also to the corresponding provisions of section 4975 of the Code.