

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-894]

### Certain Tires and Products Containing Same; Commission Determination Not to Review an Initial Determination Granting-In-Part Complainants' Motion to Amend the Complaint and Notice of Investigation To Add Respondents

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 11) of the presiding administrative law judge ("ALJ") granting-in-part complainants' motion to amend the complaint and notice of investigation to add respondents.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3115. 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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, "Toyo"). The complaint, as supplemented, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424; D610,975; D610,976; D610,977; D615,031; D626,913; D458,214; and

D653,200. 78 F. 57882 (Sept. 20, 2013). The respondents are Hong Kong Tri-Ace Tire Co., Ltd. of Guangzhou, China; Weifang Shunfuchang Rubber & Plastic Co., Ltd. of Shouguang City, China; Doublestar Dong Feng Tyre Co., Ltd. of Shiyao, China; Shandong Yongtai Chemical Group Co., Ltd. of Dawang Town, Shangrao, China; MHT Luxury Alloys of Rancho Dominguez, California; Wheel Warehouse, Inc. of Anaheim, California; Shandong Linglong Tyre Co., Ltd. of Zhaoyuan City, China; Dunlap & Kyle Company, Inc., d/b/a Gateway Tire and Service of Batesville, Mississippi; Unicorn Tire Corp. of Memphis, Tennessee; West KY Customs, LLC of Benton, Kentucky; Svizz-One Corporation Ltd. of Bangpla, Thailand; South China Tire and Rubber Co., Ltd. of Guangzhou City, China; American Omni Trading Co., LLC of Houston, Texas; Tire & Wheel Master, Inc. of Stockton, California; Simple Tire of Cookeville, Tennessee; WTD Inc. of Cerritos, California; Guangzhou South China Tire & Rubber Co., Ltd. of Aotou, China; Turbo Wholesale Tires, Inc. of Irwindale, California; TireCrawler.com of Downey, California; Lexani Tires Worldwide, Inc. of Irwindale, California; Vittore Wheel & Tire of Asheboro, North Carolina; and RTM Wheel & Tire of Asheboro, North Carolina. *Id.* Subsequently, the investigation as to respondent Tirecrawler.com was terminated based on a settlement agreement.

On October 24, 2013, complainants Toyo moved to amend the complaint and notice of investigation to add Shandong Hengyu Science & Technology Co., Ltd. ("Shandong Hengyu"), Group A Wheels, and Auto Trend Tire and Wheel, Inc. ("Auto Trend") as respondents. The Commission investigative attorney filed a response in support of Toyo's motion. No other responses were received.

On November 21, 2013, the ALJ issued an ID (Order No. 11). The ALJ found that good cause exists to add Shandong Hengyu as a respondent. The ALJ also found that no good cause was shown to add Auto Trend and Group A Wheels as respondents. Accordingly, the ALJ granted Toyo's motion to amend the complaint and notice of investigation to add Shandong Hengyu as a respondent, and denied Toyo's motion to amend the complaint and notice of investigation to add Auto Trend and Group A Wheels, thus granting-in-part Toyo's motion. No party petitioned for review of the ID, and the Commission has determined not to review it.

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 of the Commission's Rules of Practice and Procedure (19 CFR 210.42-46).

By order of the Commission.

Issued: December 20, 2013.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013-30795 Filed 12-24-13; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Filing of Proposed Consent Decree Under the Clean Air Act

On December 19, 2013, a proposed Consent Decree was filed, on behalf of the United States and others, with the United States District Court for the Northern District of West Virginia in the proceeding captioned *United States, et. al v. AL Solutions, Inc.*, Civil Action No. 5:13-cv-00169-FPS.

The proposed Consent Decree resolves allegations against AL Solutions, Inc. ("AL") for violations of Section 112(r)(1) of the Clean Air Act, 42 U.S.C. 7412(r)(1), with respect to two of its titanium and zirconium processing facilities located in New Cumberland, WV and Washington, MO. Section 112(r)(1) imposes a general duty on owners and operators of stationary sources producing, processing, handling or storing "extremely hazardous substances" to, among other things, (i) identify hazards that may result from accidental releases of such substances, and (ii) design and maintain a safe facility.

The proposed Consent Decree applies to all of AL's facilities and requires, among other things, that AL assess the potential hazards associated with existing and future operations, and take measures to prevent accidental releases and minimize the consequences of releases that may occur. In addition, AL must use advanced monitoring technology, including hydrogen monitoring and infrared cameras, to assess hazardous chemical storage areas to prevent fires and explosions. AL must also process or dispose of approximately 10,000 drums of titanium and zirconium, or 2.4 million pounds, being stored at facilities in New Cumberland and Weirton, WV by December 2014 to reduce the risk of fire and explosion. The Consent Decree also requires that AL pay a civil penalty of \$100,000, in nine installments over two years.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments

should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et. al v. AL Solutions, Inc.*, Civil Action No. 5:13-cv-00169-FPS, D.J. Ref. No. 90-5-2-1-10710. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Settlement Agreement may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the proposed Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$3.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Robert Brook,**

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

[FR Doc. 2013-30722 Filed 12-24-13; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States, et al. v. Chesapeake Appalachia, LLC*, Civil Action No. 5:13-cv-00170-FPS, was lodged with the United States District Court for the Northern District of West Virginia on December 19, 2013.

This proposed Consent Decree concerns a complaint filed by the United States and the State of West Virginia against Chesapeake Appalachia, LLC. The United States asserts claims pursuant to Section 301(a) of the Clean Water Act, 33 U.S.C. 1311(a), to obtain injunctive relief from and impose civil penalties against the

Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations, as well as the claims asserted by the State of West Virginia, by requiring the Defendant to restore the impacted areas and/or perform mitigation and to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Kenneth C. Amaditz, Environmental Defense Section, United States Department of Justice, P.O. Box 7611, Washington, DC, 20044, and refer to *United States, et al. v. Chesapeake Appalachia, LLC*, DJ # 90-5-1-1-19241.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of West Virginia, 1125 Chapline Street, Wheeling, WV 26003. In addition, the proposed Consent Decree may be examined electronically at [http://www.justice.gov/enrd/Consent\\_Decrees.html](http://www.justice.gov/enrd/Consent_Decrees.html).

**Cherie L. Rogers,**

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

[FR Doc. 2013-30772 Filed 12-24-13; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Noise Exposure Standard

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Occupational Noise Exposure Standard," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq.

**DATES:** Submit comments on or before January 27, 2014.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden

may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201311-1218-009](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201311-1218-009) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-6881 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

#### FOR FURTHER INFORMATION CONTACT:

Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** The ICR seeks to maintain PRA authority for the information collection requirements specified in regulations 29 CFR 1910.95, the Occupational Noise Exposure Standard, that require a covered employer to monitor worker exposure to noise when it is likely such exposures may equal or exceed 85 decibels measured on the A scale (dBA) on an 8-hour time-weighted average (TWA) (action level); to take action to reduce noise exposures to the 90 dBA permissible exposure limit; and to provide an effective hearing conservation program (HCP) for all workers exposed to noise at a level greater than, or equal to, a TWA of 85 dBA. The HCP contains annual audiometric testing for workers; a provision for providing hearing protection devices to exposed workers; education and training of exposed workers; and maintenance of records pertaining to noise exposure-monitoring and audiometric testing. The Occupational Safety and Health Act authorizes the information collection provisions. See 29 U.S.C. 651, 655m and 657.

The Occupational Noise Exposure Standard information collection requirements are subject to the PRA. A