

## INTERNATIONAL TRADE COMMISSION

### Agency Form Submitted for OMB Review

**AGENCY:** United States International Trade Commission.

**ACTION:** In accordance with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Commission has submitted a request for approval of a questionnaire to the Office of Management and Budget for review.

#### *Purpose of Information Collection:*

The forms are for use by the Commission in connection with investigation No. 332–510, *Small and Medium-Sized Enterprises: Characteristics and Performance*, instituted under the authority of section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). This investigation was requested by the U.S. Trade Representative (USTR). The Commission expects to deliver the results of its investigation to the USTR by October 6, 2010.

#### Summary of Proposal

1. Number of forms submitted: 1.
2. Title of form: Business Firm Questionnaire.
3. Type of request: New.
4. Frequency of use: Industry questionnaire, single data gathering, scheduled for 2010.
5. Description of respondents: U.S. firms in the services and manufacturing sectors.
6. Estimated number of respondents: 9000.
7. Estimated total number of hours to complete the form per respondent: 2 hours.
8. Information obtained from the form that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

#### *Additional Information or Comment:*

Copies of the forms and supporting documents may be obtained from project leaders William Deese ([william.deese@usitc.gov](mailto:william.deese@usitc.gov) or 202–205–2626) or Erland Herfindahl ([erland.herfindahl@usitc.gov](mailto:erland.herfindahl@usitc.gov) or 202–205–2374). Comments about the proposal should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Room 10102 (Docket Library), Washington, DC 20503, ATTENTION: Docket Librarian. All comments should be specific, indicating which part of the questionnaire is objectionable, describing the concern in detail, and including specific suggested revision or language changes. Copies of any comments should be provided to Steve McLaughlin, Chief Information Officer, U.S. International Trade Commission, 500 E Street, SW., Washington, DC

20436, who is the Commission's designated Senior Official under the Paperwork Reduction Act.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Secretary at 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TTD terminal (telephone no. 202–205–1810). Also, general information about the Commission can be obtained from its internet site (<http://www.usitc.gov>).

By order of the Commission.

Issued: January 27, 2010.

**Marilyn Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010–2210 Filed 2–5–10; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on January 27, 2010, a proposed Consent Decree in *United States et al. v. Chevron U.S.A. Inc.*, Civil Action No. 10–cv–00375–EMC was lodged with the United States District Court for the Northern District of California.

The Consent Decree settles claims for natural resource damages under the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, and certain state law claims, that arose in connection with historic discharges of hazardous substances into Castro Cove from a refinery owned by Chevron U.S.A. Inc. which is located in Richmond, California. Under the Consent Decree, the defendant will pay \$2,850,000 jointly to the state and federal natural resource trustees for natural resource damages and will pay the natural resource trustees for any unreimbursed assessment costs incurred by the State and Federal natural resource trustees.

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 U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611, and should refer to *United States*

*et al. v. Chevron U.S.A. Inc.*, D.J. Ref. # 90–11–3–09726.

During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/ConsentDecrees.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 \$5.00 (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. 2010–2567 Filed 2–5–10; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2009–0024]

#### Information Collection Requirements for the Variance Regulations; Submission for 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 comments concerning its proposal to obtain OMB approval for the information collection requirements contained in Sections 6(b)6(A), 6(b)6(B), 6(b)6(C), 6(d), and 16 of the Occupational Safety and Health Act of 1970, and 29 CFR 1905.10, 1905.11, and 1905.12. These statutory and regulatory provisions specify the requirements for submitting applications to OSHA for temporary, experimental, permanent, and national defense variances.

**DATES:** Comments must be submitted (postmarked, transmitted, or received) by April 9, 2010.

**ADDRESSES:** Submit comments as follows:

- *Electronically:* Submit comments and attachments electronically at

<http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

- **Facsimile:** OSHA allows facsimile transmission of comments, including attachments, that are no longer than 10 pages in length. Send these documents to the OSHA Docket Office at (202) 693-1648; OSHA does not require hard copies of these documents. However, if commenters do not transmit attachments (e.g., studies, journal articles), they must submit one hard copy of the attachments to the OSHA Docket Office, Technical Data Center, Room N-2625, OSHA, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20910. These attachments must clearly identify the sender's name, date, subject, and docket number (i.e., OSHA-2009-0024) so that the Agency can attach them to the appropriate comments.

- **Regular mail, express mail, or messenger or courier service:** When using one of these methods, submit one hard copy of comments and attachments (e.g., studies, journal articles) to the OSHA Docket Office, Docket No. OSHA-2009-0024, Technical Data Center, Room N-2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (telephone: 202-693-2350) (TTY: 877-889-5627). Note that security-related procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, or messenger or courier service. The hours of operation for the OSHA Docket Office are 8:15 a.m.-4:45 p.m., e.t.

- **Instructions:** All submissions must include the Agency name and the OSHA docket number for this Information Collection Request (ICR) (OSHA Docket No. OSHA-2009-0024). OSHA places comments and other material, including any personal information, in the public docket without revision, and will make this information available online at <http://www.regulations.gov>. For further information on submitting comments, see section IV ("Public Participation") of this notice.

- **Docket:** To read or download comments or other material in the docket, including the companion supporting statement, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. However, 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. 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.

**FOR FURTHER INFORMATION CONTACT:**

Todd Owen, Directorate of Standards and Guidance, OSHA, 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 correct format, reporting burden (time and costs) is minimal, collection instruments are clearly understandable, and OSHA's estimate of the information collection burden is correct. The Occupational Safety and Health Act of 1970 (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 developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

Sections 6(b)6(A), 6(b)6(B), 6(b)6(C), 6(d), and 16 of the OSH Act, and 29 CFR 1905.10, 1905.11, and 1905.12, specify the procedures that employers must follow to apply for a variance from the requirements of an OSHA standard. OSHA uses the information collected under these procedures to: (1) Evaluate the employer's claim that the alternative means of compliance would provide affected employees with the requisite level of health and safety protection; (2) assess the technical feasibility of the alternative means of compliance; (3) determine that the employer properly notified affected employees of the variance application and their right to a hearing; and (4) verify that the application contains the administrative information required by the applicable variance regulation. Currently, no specific forms are available for preparing variance applications and other documents that may accompany variance applications. OSHA is developing new forms to assist

employers in preparing variance applications that comply with the information collection requirements contained in the OSH Act and variance regulations.

**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;
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques; and
- Whether providing variance application forms on the Agency's Web site would reduce the burden on employers applying for variances.

**III. Proposed Actions**

OSHA is requesting OMB approval for the information collection (paperwork) requirements contained in Sections 6(b)6(A), 6(b)6(B), 6(b)6(C), 6(d), and 16 of the Occupational Safety and Health Act of 1970, and 29 CFR 1905.10, 1905.11, and 1905.12. These statutory and regulatory provisions specify the requirements for submitting applications to OSHA for temporary, experimental, permanent, and national defense variances.

OSHA also is requesting OMB approval to develop and use variance application forms for the four types of variances specified by the OSH Act and variance regulations. The four types of variances are: Temporary variances (Section 6(b)6(A) of the Act; 29 U.S.C. 655; 29 CFR 1905.10); experimental variances (Section 6(b)6(C) of the Act; 29 U.S.C. 655); permanent variances (Section 6(d) of the Act; 29 U.S.C. 655; 29 CFR 1905.11); and national defense variances (Section 16 of the Act; 29 U.S.C. 665; 29 CFR 1905.12). The variance regulations specify the information that employers must provide when requesting one of these variances. The variance application forms would organize and clarify the information collection requirements for each type of variance by specifying the requirements in comprehensible language, and providing explanatory material. Employers applying for a variance could download and complete

the applicable form from OSHA's Web site. The forms would expedite the application process for employers, and ensure that the information on the application is complete and accurate.

The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to approve these information collection requirements and variance application forms.

*Type of Review:* Existing collection in use without an OMB control number.

*Title:* Information Collection Requirements for the Variance Regulations.

*OMB Number:* 1218-0NEW.

*Affected Public:* Business or other for-profit and not-for-profit institutions.

*Number of Respondents:* 12.

*Frequency of Recordkeeping:* On occasion.

*Total Responses:* 12.

*Average Time per Response:* Ranges from 2 hours for an employer to assemble the application documents to 16 hours to locate and assemble information required to complete an application.

*Estimated Total Burden Hours:* 366.

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

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

Submit comments in response to this document: (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 (OSHA Docket No. OSHA-2009-0024). To supplement electronic submissions, upload document files electronically. Send hard copies of materials to supplement electronic or facsimile submissions to the OSHA Docket Office (see the **ADDRESSES** section of this notice). The additional materials must clearly identify the associated electronic comments by name, date, and docket number so OSHA can attach them to the comments. Note that security-related procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for information about security procedures concerning delivery of materials by express mail, or messenger or courier service. The hours of operation for the OSHA Docket Office are 8:15 a.m.-4:45 p.m., e.t.

OSHA posts comments and other submissions without revision at [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov). Therefore, OSHA cautions commenters about submitting personal information such as Social Security numbers and birth dates. Some information (e.g., copyrighted material) is not publicly available to read or download through <http://www.regulations.gov>. However, 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 January 29, 2010.

David Michaels,

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

[FR Doc. 2010-2659 Filed 2-5-10; 8:45 am]

**BILLING CODE 4510-26-P**

#### NATIONAL SCIENCE FOUNDATION

##### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95-541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 10, 2010. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

#### FOR FURTHER INFORMATION CONTACT:

Nadene G. Kennedy at the above address or (703) 292-7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

*The applications received are as follows:*

1. *Applicant:* H. William Detrich, III, Department of Biology, 134 Mugar Hall, Northwestern University, Boston, MA 02115.

*Permit Application No:* 2010-023.

#### Activity for Which Permit Is Requested

Introduce non-indigenous species into Antarctica. The applicant plans to use *Escherichia coli* strain BL21DE3 for production of <sup>35</sup>S-labeled proteins to be used in protein folding assays performed in the Palmer Station laboratories. The applicant will continue analysis of a cold-functioning chaperonin protein folding system from testis tissue of the Antarctica fish, *Gobionotothen gibberifrons*. To demonstrate that the chaperonin is functional, they must use protein substrates labeled with <sup>35</sup>S-methionine. To obtain these proteins, they will express *G. gibberifrons* actin and tubulin substrates in *E. coli* in a medium supplemented with <sup>35</sup>S-methionine.

The *E. coli* will not be released to the environment. Cultures will be autoclaved to kill the bacteria, and the waste will be disposed via the radioactive materials waste stream using approved protocols.

#### Location

Palmer Station, Anvers Island, Antarctic Peninsula.

*Dates:* April 10, 2010 to June 8, 2010.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. 2010-2653 Filed 2-5-10; 8:45 am]

**BILLING CODE 7555-01-P**