

**INTERNATIONAL TRADE COMMISSION****[Inv. No. 337-TA-682]****Notice of Investigation; In the Matter of Certain Collaborative System Products and Components Thereof****AGENCY:** U.S. International Trade Commission.**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 2, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of eInstruction Corporation of Denton, Texas. Supplements to the complaint were filed on July 10, 2009 and July 23, 2009. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain collaborative system products and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,930,673. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

**ADDRESSES:** The complaint and supplements, except for any confidential information contained therein, are 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., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

**FOR FURTHER INFORMATION CONTACT:** Aarti Shah, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2657.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2008).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on August 3, 2009, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) 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 collaborative system products or components thereof that infringe one or more of claims 1-3, 6-10, 13-18, and 21-24 of U.S. Patent No. 6,930,673, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—eInstruction Corporation, 308 N. Carroll Boulevard, Denton, Texas 76201.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: QOMO HiteVision, LLC, 28265 Beck Road, Suite C-1, Wixom, Michigan 48393.

(c) The Commission investigative attorney, party to this investigation, is Aarti Shah, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 210.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

Issued: August 3, 2009.

**William R. Bishop,**

*Acting Secretary to the Commission.*

[FR Doc. E9-18935 Filed 8-6-09; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Under the Clean Air Act**

Notice is hereby given that on August 4, 2009, a proposed Consent Decree in *United States et al. v. Aleris International, Inc. et al.*, Civil Action No. 1:09-cv-00340, was lodged with the United States District Court for the Northern District of Ohio.

The Consent Decree would resolve claims for injunctive relief and the assessment of civil penalties asserted by the United States; the States of Idaho, Illinois, Indiana, Michigan, Ohio, Tennessee, and West Virginia; the Commonwealths of Kentucky and Virginia; the Oklahoma Department of Environmental Quality; and the Maricopa County Air Quality Department (collectively, "Plaintiffs") against Aleris International, Inc. and 13 of its subsidiaries (collectively, "Aleris") pursuant to Sections 113(b) and 304(a)(1) of the Clean Air Act, 42 U.S.C. 7413(b) and 7604(a)(1).

Aleris processes 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' Amended Complaint, filed concurrently with the Consent Decree, alleges that Aleris violated Section 112 of the Clean Air Act, 42 U.S.C. 7412; the National Emissions Standards for Hazardous Air Pollutants ("NESHAP")

for Secondary Aluminum Production, codified at 40 CFR part 63, subparts A and RRR; and related provisions of state and local law at 15 of its secondary aluminum production facilities. Specifically, the Amended Complaint alleges that Aleris 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 Aleris to improve its capture of emissions at each emission unit, retest every emission unit using model test protocols, adopt new monitoring practices, use model recordkeeping and reporting documents, and install an additional control device and monitoring equipment at particular facilities. The Consent Decree would also provide for a \$4.6 million civil penalty, to be allowed as a prepetition general unsecured claim in Aleris's pending bankruptcy proceeding in the United States Bankruptcy Court for the District of Delaware.

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. Aleris International, Inc. et al.*, D.J. Ref. No. 90-5-2-1-08603.

The Consent Decree may be examined at the Office of the United States Attorney, Northern District of Ohio, 801 W. Superior Avenue, Suite 400, Cleveland, OH 44113, and 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 \$95.50 for a copy of

the complete Consent Decree (25 cents per page reproduction cost), or \$21.00 for a copy without appendices, 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. E9-18972 Filed 8-6-09; 8:45 am]

BILLING CODE 4410-15-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 August 4, 2009, a proposed Consent Decree in *United States of America et al. v. AK Steel Corporation, et al.*, Civil Action No. 97-1863 was lodged with the United States District Court for the Western District of Pennsylvania.

The Consent Decree is identical to one lodged on June 1, 2009, in the same matter ("original decree"), except that it eliminates one settling party, General Motors Corporation, due to its pending bankruptcy. The Consent Decree resolves the United States' claims against 35 parties at the Breslube Penn Superfund Site, located in Coraopolis, Moon Township, Pennsylvania. Those claims were brought under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607. The Settling Defendants consist of two groups, eight Performing Defendants and 27 Non-Performing Defendants. The Commonwealth of Pennsylvania has signed the Consent Decree and has filed a separate complaint.

The Consent Decree requires that Performing Defendants fund and perform the remedy selected in EPA's August 2007 Record of Decision. The estimated cost of the remedy is \$8,070,000, and may increase to \$12,610,000 if EPA decides two contingent remedies are necessary. The settlement also recovers past costs of the United States (\$3,037,491.61), past costs of the Commonwealth (\$41,356.04), and includes an agreement to pay all future response costs.

The Department of Justice published notice of the original decree in the **Federal Register** on June 8, 2009, 74 FR 27181, and the public was invited to submit comments for the thirty day period ending July 8, 2009. No comments were received. The

Department of Justice will receive for an additional period of fifteen (15) days from the date of this publication comments relating to the elimination of General Motors Corporation from the settlement. 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 of America et al. v. AK Steel Corporation, et al.*, Civil Action No. 97-1863 (W.D. PA), D.J. Ref. 90-11-3-1762.

The Decree may be examined at U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103. During the public comment period, the 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 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 \$23.25 (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. E9-18973 Filed 8-6-09; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Amendment to Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act, Clean Water Act, and the Pennsylvania Hazardous Sites Cleanup Act

Notice is hereby given that on August 3, 2009, a proposed Amendment to Consent Decree ("Amendment"), pertaining to *United States v. Horsehead Industries Inc.*, 3:CV-98-0654, was lodged with the United States District Court for the Middle District of Pennsylvania. The proposed Amendment amends the consent decree entered by the Court on November 21, 2003 ("2003 Decree"), which addressed