

("ID") (Order No. 6) granting a joint motion to terminate the above-captioned investigation as to all Respondents.

**FOR FURTHER INFORMATION CONTACT:** Jonathan J. Engler, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3112. Copies of the ALJ's IDs and all other 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:** On December 19, 2007, the Commission instituted this investigation, based on a complaint filed by Anchor Sports I, Inc. of Richardson, Texas ("Anchor"). The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain base plugs by reason of infringement of certain claims of U.S. Patent No. 6,142,882. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint named two firms as respondents, Schutt Sports, Inc. of Litchfield, Illinois ("Schutt"), and East Texas Sports Center, Inc. ("East Texas") of Marshall, Texas. The complainant requested that the Commission issue a limited exclusion order and cease and desist orders.

On August 7, 2008, Anchor, Schutt and East Texas filed a joint motion seeking termination of this investigation based upon a settlement agreement. On August 27, 2008, the ALJ issued an initial determination, Order No. 6, terminating the investigation on the basis of the settlement agreement. The ALJ found no indication that termination of the investigation on the basis of the settlement agreement would adversely affect the public interest, and that the procedural requirements for terminating the investigation had been met. No petitions for review were filed.

The Commission has determined not to review the subject ID. 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 section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: September 18, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-458 and 731-TA-1154 (Preliminary)]

### Certain Kitchen Appliance Shelving and Racks From China

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of certain kitchen appliance shelving and racks, provided for in subheadings 7321.90.50, 7321.90.60, 8418.99.80, and 8516.90.80 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of China and sold in the United States at less than fair value (LTFV).<sup>2</sup>

#### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in these investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Commissioner Deanna Tanner Okun recused herself to avoid any conflict of interest or appearance of a conflict.

notice of affirmative final determinations in these investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigations is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

#### Background

On July 31, 2008, a petition was filed with the Commission and Commerce by Nashville Wire Products Inc., Nashville, TN, SSW Holding Company, Inc., Elizabethtown, KY, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, District Loge 6, Clinton, IA., alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of certain kitchen appliance shelving and racks from China allegedly subsidized by the government of China and sold at less than fair value. Accordingly, effective July 31, 2008, the Commission instituted countervailing duty investigation No. 701-TA-458 (Preliminary) and antidumping duty investigation No. 731-TA-1154 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 7, 2008 (73 FR 46033). The conference was held in Washington, DC, on August 21, 2008, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 15, 2008. The views of the Commission are contained in USITC Publication 4035 (September 2008), entitled *Certain Kitchen Appliance Shelving and Racks from China: Investigation Nos. 701-TA-458 and 731-TA-1154 (Preliminary)*.

By order of the Commission.

Issued: September 18, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

[OMB Number 1121-NEW]

### Bureau of Justice Statistics; Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Proposed Collection; Clinical Indicators of Sexual Violence in Custody.

The Department of Justice (DOJ), Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until November 24, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Paul Guerino, Statistician, Bureau of Justice Statistics, 810 Seventh Street, NW., Washington, DC 20531 (phone 202-616-3277).

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the

use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### Overview of This Information Collection

(1) *Type of Information Collection:* New data collection.

(2) *Title of the Form/Collection:* Clinical Indicators of Sexual Violence in Custody.

(3) *Agency form number, if any, and the applicable component of the U.S. Department of Justice sponsoring the collection:* Form numbers not available at this time. The Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice is the sponsor for the collection.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State, Local, or Tribal Government. *Other:* Federal Government, Business or other for-profit, Not-for-profit institutions. The work under this clearance will be used to create a pilot surveillance system to collect clinical indicators of sexual violence among inmates in response to the Prison Rape Elimination Act of 2003 (Pub. L. 108-79).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 35 health providers will spend approximately 10 minutes on average completing the surveillance form for each inmate exhibiting clinical indicators of sexual violence. Over a twelve month period, jail health providers are each expected to spend a total of 630 minutes completing surveillance forms and prison health providers are each expected to spend a total of 330 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 383 total burden hours associated with this collection.

If additional information is required, contact: Lynn Bryant, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530 (phone: 202-514-4304).

Dated: September 18, 2008.

**Lynn Bryant,**

*Department Clearance Officer, PRA, U.S. Department of Justice.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decrees Under the Resource Conservation and Recovery Act (RCRA)

Pursuant to 28 CFR 50.7, notice is hereby given that on September 17, 2008, two proposed consent decrees in *United States and Alabama Department of Environmental Management v. Brown Wood Preserving Co., Inc., and the James Graham Brown Foundation, Inc.*, Civil Action No. 2:08-CV-1720-RDP, were lodged with the United States District Court for the Northern District of Alabama.

These Consent Decrees will resolve claims asserted by the United States and the Alabama Department of Environmental Management ("ADEM") against Brown Wood Preserving Co., Inc. ("Brown Wood") and the James Graham Brown Foundation, Inc. ("JGBF") for injunctive relief and civil penalties based on violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6928, that occurred at a wood treatment facility located in Northport, Alabama, formerly owned and operated by JGBF and presently owned and operated by Brown Wood. The complaint in this action alleges that Brown Wood operated a hazardous waste disposal facility without a permit or interim status, in violation of 42 U.S.C. 6925(a), 40 CFR parts 264 and 270, and failed to properly respond to hazardous waste leaks from storage tanks, in violation of 40 CFR 264.196, and applicable parallel administrative provisions under Alabama state law. The complaint further alleges that the facility will be transferred back to JGBF by the end of 2008, and that injunctive relief against both defendants is necessary in order to prevent continuing violations of RCRA.

The proposed Consent Decrees settle these claims by requiring Brown Wood to shut down all wood preserving and treatment operations at the Facility and to transfer the Facility back to JGBF, which will, in turn, clean up the hazardous waste contamination at the Facility pursuant to a RCRA corrective action agreement between ADEM and JGBF.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decrees. 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