

from raising in this proceeding “arguments regarding the asserted discrepancy between the questionnaire responses and the staff’s finding that the Mexican producers reported theoretical capacity,” finding that U.S. Steel failed to exhaust its administrative remedies before the Commission. Panel Opinion at 25.

Nonetheless, the Panel remanded the Commission’s determination so that the Commission could take into account Procarsa’s revised foreign producers’ questionnaire response and re-consider its cumulation and likely injury analysis for Mexico in light of the revised response. Specifically, the Panel indicated that the Commission should consider the revised data in light of its potential impact on the Commission’s analysis of the Mexican industry’s home market orientation, its capacity trends, and the presence of Mexican imports in the U.S. market. The Panel noted that the revised data did not affect the Commission’s finding concerning Procarsa’s product range during the period.

Participation in the proceeding.—Only those persons who were interested parties that participated in the review (*i.e.*, persons listed on the Commission Secretary’s service list) and also parties to the NAFTA panel proceeding may participate in the remand proceeding. Such persons need not make any additional filings with the Commission to participate in the remand proceeding, unless they are adding new individuals to the list of persons entitled to receive business proprietary information under administrative protective order. Business proprietary information (“BPI”) referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the review.

Written Submissions.—The Commission is reopening the record in this proceeding for the sole purpose of accepting Procarsa’s revised foreign producers’ questionnaire response into the record. It will not otherwise accept the submission of new factual information for the record. The Commission will permit the parties to file comments concerning the new factual information submitted on the record during the remand proceeding. Those comments should be limited solely to the issue of whether and how the data contained in Procarsa’s revised foreign producer’s questionnaire will affect the Commission’s cumulation and likely injury findings for Mexico, including its findings relating to the Mexican industry’s home market orientation, its capacity trends, and the presence of Mexican imports in the U.S.

market. The parties may not use this opportunity to comment on any other issue, including any “asserted discrepancy between the questionnaire responses and the staff’s finding that the Mexican producers reported theoretical capacity.” Panel Opinion at 25.

The comments must be based solely on the information in the Commission’s record. The Commission will reject submissions containing additional factual information or arguments pertaining to issues other than those on which the Panel has remanded this matter. The deadline for filing comments is March 8, 2011. Comments shall be limited to no more than twenty (20) double-spaced and single-sided pages of textual material.

All written submissions must conform with the provisions of section 201.8 of the Commission’s rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission’s rules. The Commission’s rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission’s rules, as amended, 67 FR 68036 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission’s rules, each document filed by a party to this proceeding must be served on all other such parties, and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

By order of the Commission.

Issued: February 15, 2011.

William R. Bishop,

Hearings and Meetings Coordinator.

[FR Doc. 2011-3766 Filed 2-17-11; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on February 14, 2011, a proposed Consent Decree in *United States et al. v. Merced Power LLC*, Civil Action No. 1:11-cv-00241, was lodged with the United States District Court for the Eastern District of California.

The Consent Decree in this Clean Air Act enforcement action resolves allegations by the Environmental Protection Agency and the San Joaquin Valley Unified Air Pollution Control District (“District”), asserted in a complaint filed together with the Consent Decree, under Section 113(b) of

the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at defendant’s biomass electric generating facilities in Merced, California. The violations include, among others, a failure to: Comply with numerous conditions contained in Federally enforceable permits issued for the facility, including those related to emissions of pollutants; install and operate required pollution control technology; undertake periodic equipment testing; and to submit required reports. The proposed Consent Decree would require defendant to install additional emissions monitoring equipment at their facility, pay a total of \$492,000 in civil penalties to the United States and the District, and comply with permit conditions or face stipulated penalties during approximately two years following court approval of the consent decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to 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 the matter as *United States et al. v. Merced Power LLC*, DOJ Ref. No. 90-5-2-1-09903.

The proposed Consent Decree may be examined at the following Regional Office of the United States Environmental Protection Agency: Region 9, 75 Hawthorne Street, San Francisco, California 94105. The Consent Decree may also be examined at the Office of the United States Attorney, 501 I Street, Suite 10-100, Sacramento, California 95814.

During the public comment period, the proposed agreement may also be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. Copies of the proposed agreement 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), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting from the Consent Decree Library a copy of the consent decree, please enclose a check payable to the U.S. Treasury in the amount of \$14.50 (25 cents per page

reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

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

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DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given that on February 14, 2011, a proposed Consent Decree in *United States et al. v. Ampersand Chowchilla Biomass, LLC*, Civil Action No. 1:11-cv-00242, was lodged with the United States District Court for the Eastern District of California.

The Consent Decree in this Clean Air Act enforcement action resolves allegations by the Environmental Protection Agency and the San Joaquin Valley Unified Air Pollution Control District ("District"), asserted in a complaint filed together with the Consent Decree, under Section 113(b) of the Clean Air Act, 42 U.S.C. 7413(b), for alleged environmental violations at defendant's biomass electric generating facility in Madera, California. The violations include, among others, a failure to: Comply with numerous conditions contained in Federally enforceable permits issued for the facility, including those related to emissions of pollutants; install and operate required pollution control technology; undertake periodic equipment testing; and to submit required reports. The proposed Consent Decree would require defendant to install additional emissions monitoring equipment at their facility, pay a total of \$343,000 in civil penalties to the United States and the District, and comply with permit conditions or face stipulated penalties during approximately two years following court approval of the consent decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to 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 the matter as and *United States et al. v. Ampersand Chowchilla Biomass LLC*, DOJ Ref. No. 90-5-2-1-09874.

The proposed Consent Decree may be examined at the following Regional Office of the United States Environmental Protection Agency: Region 9, 75 Hawthorne Street, San Francisco, California 94105. The Consent Decree may also be examined at the Office of the United States Attorney, 501 I Street, Suite 10-100, Sacramento, California 95814.

During the public comment period, the proposed agreement may also be examined on the following Department of Justice Web site: <http://www.usdoj.gov/enrd/ConsentDecrees.html>. Copies of the proposed agreement 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), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting from the Consent Decree Library a copy of the consent decree, please enclose a check payable to the U.S. Treasury in the amount of \$12.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

Maureen Katz,

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

[FR Doc. 2011-3672 Filed 2-17-11; 8:45 am]

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NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts; Submission of OMB Review: Comment Request

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104-13, 44 U.S.C. Chapter 35]. Copies of the ICR, with applicable supporting documentation, may be obtained by contacting Sunil Iyengar via telephone at 202-682-5654 (this is not a toll-free number) or e-mail at research@arts.endow.gov. Individuals who use a telecommunications device for the deaf (TTY/TDD) may call 202-682-5496 between 10 a.m. and 4 p.m. Eastern time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office

of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316, within 30 days from the date of this publication in the **Federal Register**.

The Office of Management and Budget (OMB) is particularly interested in comments which:

- 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 agency's 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.

Agency: National Endowment for the Arts.

Title: 2012 Survey of Public Participation in the Arts.

OMB Number: New.

Frequency: One Time.

Affected Public: American adults.

Estimated Number of Respondents: 36,000.

Estimated Time per Respondent: 10.0 minutes.

Total Burden Hours: 6,000 hours.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

Description: This request is for clearance of the 2012 Survey of Public Participation in the Arts (SPPA) to be conducted by the Census Bureau in May 2012 as a supplement to the Bureau of Labor Statistic's Current Population Survey. The SPPA is the field's premiere repeated cross sectional survey of individual attendance and involvement in arts and cultural activity. The data are circulated to interested researchers, and they are the basis for a range of NEA reports and independent research publications. The SPPA provides primary knowledge on the extent and nature of participation in the arts in the United States. Earlier SPPA surveys were conducted in 1982, 1985, 1992, 1997, 2002, and 2008, all of which were conducted by the Census Bureau except the 1997 study, which