

Issued: October 1, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-21631 Filed 10-3-18; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1134]

### Certain Sleep-Disordered Breathing Treatment Mask Systems and Components Thereof; Institution of Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 31, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of ResMed Corp. of San Diego, California; ResMed Inc. of San Diego, California; and ResMed Ltd. of Australia. A supplement was filed on September 4, 2018. The complaint 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 sleep-disordered breathing treatment mask systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,119,931 (“the ‘931 patent”); U.S. Patent No. 9,027,556 (“the ‘556 patent”); U.S. Patent No. 9,962,511 (“the ‘511 patent”); U.S. Patent No. 9,962,510 (“the ‘510 patent”); U.S. Patent No. 9,937,315 (“the ‘315 patent”). The complaint further alleges that an industry in the United States exists, or is in the process of being established, as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Katherine Hiner, The Office of the Secretary, Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

**SUPPLEMENTARY INFORMATION:**

*Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2018).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on September 28, 2018, 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 products identified in paragraph (2) by reason of infringement of one or more of claims 1, 5, 8, 26, and 31 of the ‘931 patent; claims 1, 10, 19, 36, 46, and 52 of the ‘556 patent; claims 1, 2, 14, 22, and 24 of the ‘511 patent; claims 5, 10, 28, and 30 of the ‘510 patent; and claims 1, 2, 30, and 33 of the ‘315 patent; and whether an industry in the United States exists, or is in the process of being established, as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “full-face and nasal mask systems for treatment of obstructive sleep apnea that are currently manufactured in Mexico and/or New Zealand and currently sold under the trade names ‘Simplus,’ ‘Eson,’ and ‘Eson 2’ that include the unitary combination of a cushion module, a shroud module, and an elbow among other things”;

(3) 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 complainants are: ResMed Corp., 9001 Spectrum Center Drive, San Diego, CA 92123.

ResMed Inc., 9001 Spectrum Center Drive, San Diego, CA 92123.

ResMed Ltd., 1 Elizabeth Macarthur Drive, Bella Vista NSW 2153, Australia.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Fisher & Paykel Healthcare Limited, 15 Maurice Paykel Place, East Tamaki, Auckland 2013, PO Box 14348, Panmure, Auckland 1741, New Zealand.

Fisher & Paykel Healthcare, Inc., 173 Technology Drive, Suite 100, Irvine, CA 92618.

Fisher & Paykel Healthcare Distribution Inc., 173 Technology Drive, Suite, Irvine, CA 92618.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) 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 a 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.

Issued: October 1, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–586 and 731–TA–1384 (Final)]

### Stainless Steel Flanges From India

#### 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 the Tariff Act of 1930 (“the Act”), that an industry in the United States is materially injured by reason of imports of stainless steel flanges from India that have been found by the U.S. Department of Commerce (“Commerce”) to be sold in the United States at less than fair value (“LTFV”), and to be subsidized by the government of India.<sup>2</sup>

#### Background

The Commission instituted these investigations effective August 16, 2017, following receipt of a petition filed with the Commission and Commerce by the Coalition of American Flange Producers on behalf of itself and its individual members, Core Pipe Products, Inc., Carol Stream, Illinois, and Maass Flange Corporation, Houston, Texas. Effective January 23, 2018, the Commission established a general schedule for the conduct of the final phase of its investigations on stainless steel flanges, following notification of preliminary determinations by Commerce<sup>3</sup> that imports of stainless steel flanges from China and India were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given by posting copies

<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> The Commission also finds that imports subject to Commerce’s affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping and countervailing duty orders on stainless steel flanges from India.

<sup>3</sup> *Countervailing Duty Investigation of Stainless Steel Flanges from the People’s Republic of China: Preliminary Affirmative Determination*, 83 FR 3124, January 23, 2018 and *Stainless Steel Flanges from India: Preliminary Affirmative Countervailing Duty Determination, Preliminary Affirmative and Alignment of Final Determination With Final Antidumping Duty Determination*, 83 FR 3118, January 23, 2018.

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 February 7, 2018 (83 FR 5459). The hearing was held in Washington, DC, on April 10, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel. The Commission subsequently issued its final affirmative determinations regarding subsidized imports of stainless steel flanges from China on May 29, 2018 (83 FR 25714, June 4, 2018) and regarding dumped imports of stainless steel flanges from China on July 25, 2018 (83 FR 36622, July 30, 2018). Following notification of final determinations by Commerce that imports of stainless steel flanges from India were being sold at LTFV within the meaning of section 735(a) of the Act (19 U.S.C. 1673d(a)),<sup>4</sup> and subsidized by the government of India within the meaning of section 705(a) of the Act (19 U.S.C. 1671d(a)),<sup>5</sup> notice of the supplemental scheduling of the final phase of the Commission’s antidumping and countervailing duty investigations with respect to India 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 September 6, 2018 (83 FR 45278).

The Commission made these determinations pursuant to sections 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b)) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on September 28, 2018. The views of the Commission are contained in USITC Publication 4828 (September 2018), entitled *Stainless Steel Flanges from India: Investigation Nos. 701–TA–586 and 731–TA–1384 (Final)*.

By order of the Commission.

Issued: October 1, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

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<sup>4</sup> *Stainless Steel Flanges from India: Final Affirmative Determination of Sales at Less than Fair Value and Final Affirmative Critical Circumstances Determination*, 83 FR 40745, August 16, 2018.

<sup>5</sup> *Stainless Steel Flanges from India: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances*, 83 FR 40748, August 16, 2018.

## DEPARTMENT OF JUSTICE

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

On September 28, 2018, the Department of Justice and the State of California’s Department of Toxic Substances Control (“DTSC”) filed a complaint and lodged a proposed Consent Decree with the United States District Court for the Eastern District of California (“Court”) pertaining to environmental soil, solid waste, and soil gas contamination at Operable Unit 2 (“OU2”) of the Laboratory for Energy-Related Health Research/Old Campus Landfill Superfund Site (“Site”) in Solano County, California. The complaint and proposed Consent Decree were filed contemporaneously in the matter of *United States of America and the California Department of Toxic Substances Control vs. Regents of the University of California*, Civil Action No. 2:18–cv–02651 (E.D. Cal.).

The proposed Consent Decree resolves certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606, 9607, as well as related state law claims, in connection with soil, solid waste, and soil gas contamination at OU2. The Consent Decree requires the settling defendant, the Regents of the University of California, to perform cleanup of soil, solid waste, and soil gas contamination at OU2, and to reimburse the United States’ and DTSC’s related oversight costs on an ongoing basis.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America and the California Department of Toxic Substances Control vs. Regents of the University of California*, D.J. Ref. No. 90–11–3–1606/2. 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:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>