

On June 8, 2017, PacBio filed a motion for summary determination that the domestic industry requirement is satisfied. On June 9, 2017, Oxford filed a motion for summary determination of (1) noninfringement as to all accused products because they do not satisfy the “single-molecule sequencing” limitations; (2) noninfringement as to a subset of the accused products (directed solely to Oxford’s 1D or 1D² sequencing processes) because they do not satisfy the “linker” limitations; and (3) noninfringement as to a subset of the accused products (not directed solely to Oxford’s 1D or 1D² sequencing processes) because they are capable of substantial noninfringing uses.

On July 19, 2017, the ALJ issued an ID (Order No. 12), granting in part Oxford’s summary determination motion. Specifically, the ID incorporated the *Markman* Order by reference and found no infringement of claims 1, 5–7, 10, 14, 16–21, and 23–25 of the ’146 patent and claims 1 and 3–11 of the ’527 patent based on the *Markman* Order’s construction of the “single-molecule sequencing” limitations. The ID denied as moot Oxford’s second and third requests for summary determination of noninfringement, as well as PacBio’s motion for summary determination on the economic prong of the domestic industry requirement. The ID found no violation of section 337.

On July 31, 2017, PacBio filed a petition for review of the *Markman* Order’s construction of “single-molecule sequencing” and the ID’s finding of noninfringement. On August 7, 2017, Oxford and OUII filed responses to PacBio’s petition. On August 16, 2017, PacBio filed a motion for leave to file a reply in support of its petition for review. On August 28, 2017, Oxford filed an opposition to PacBio’s motion.

On September 5, 2017, the Commission determined to review the ID in its entirety and to deny PacBio’s motion for leave to file a reply. Notice (Sept. 5, 2017). The Commission also requested additional briefing from the parties on certain issues.

On September 15, 2017, Oxford and OUII filed initial written submissions addressing the Commission’s questions. On September 18, 2017, PacBio filed its initial written submission. On September 22, 2017, Oxford and OUII filed response briefs. On September 22, 2017, and September 29, 2017, PacBio filed its response briefs.

Having examined the record of this investigation, including the ID and the parties’ submissions, the Commission has determined to adopt, on modified

grounds described in the concurrently-issued opinion, the *Markman* Order’s construction of the “single-molecule sequencing” limitations. The Commission has also determined to affirm the ID’s finding of noninfringement of claims 1, 5–7, 10, 14, 16–21, and 23–25 of the ’146 patent and asserted claims 1 and 3–11 of the ’527 patent and the ID’s finding of no violation of section 337. The Commission denies PacBio’s request for oral argument.

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 part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 7, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–02854 Filed 2–12–18; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Second Amendment to Consent Decree Under the Clean Air Act

On February 7, 2018, the Department of Justice lodged a proposed Second Amendment to Consent Decree (“Second Amendment”) with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States, et al. v. Gateway Energy & Coke Company, et al.*, Civil Action No. 3:13-cv-00616-DRH-SCW.

The United States, on behalf of the U.S. Environmental Protection Agency, filed a complaint under the Clean Air Act asserting claims relating to two Midwestern heat recovery coking facilities, one of which is located in Granite City, Illinois (the “Gateway Facility”), and the other of which is located in Franklin Furnace, Ohio (the “Haverhill Facility”). The United States sought civil penalties and injunctive relief against the owners and operators of the Gateway and Haverhill Facilities, the Haverhill Coke Company, LLC, SunCoke Energy, Inc., and the Gateway Energy & Coke Company, LLC. The States of Illinois and Ohio are co-plaintiffs in this action, and sought injunctive relief and civil penalties under corresponding state laws as to the Gateway Facility and Haverhill Facility, respectively.

On November 10, 2014, the Court entered a Consent Decree that, *inter alia*,

required (1) installation of heat recovery steam generators (“HRSGs”) to provide redundancy that will allow hot coking gases to be routed to a pollution control device instead of vented directly to the atmosphere in the event of equipment downtime, and (2) installation of continuous emissions monitors for sulfur dioxide at one bypass vent per process unit (two at the Haverhill Facility and one at the Gateway Facility).

The Consent Decree allows Defendants 720 hours of “tie-in” time to complete installation of the Redundant HRSGs. Defendants have represented that installation and operation of the Redundant HRSGs have exacerbated corrosion-related issues at the spray dryer absorbers (“SDAs”); therefore, Defendants need to replat the SDAs to upgrade their metallurgy and to make them more corrosion-resistant, as well as assist in effective operation of the SDAs. To that end, the Second Amendment would allow Defendants to use tie-in hours to address the corrosion at the SDAs, while at the same time requiring Defendants to mitigate the excess emissions associated with the replating project.

As to mitigation, the Second Amendment requires Defendants to: (1) Meet lower bypass venting emissions limits relating to sulfur dioxide at both the Gateway and Haverhill Facilities than were required by the Consent Decree, and seek to incorporate such lower limits into construction permit(s) and Title V operating permits; and (2) continue to operate the flue gas desulfurization units at the two facilities to over-control sulfur dioxide, particulate matter, lead, and, as to the Haverhill Facility, hydrochloric acid emissions from the main stacks by, among other things, injecting excess lime slurry into the SDAs. The proposed Second Amendment would also streamline reporting obligations under the Consent Decree, and add reporting requirements relating to mitigation of excess emissions resulting from the SDA replating project.

The publication of this notice opens a period for public comment on the Second Amendment. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. Gateway Energy & Coke Company, et al.*, D.J. Ref. No. 90–5–2–1–10065. 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>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Second Amendment may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Second Amendment upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$4.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Jeffrey Sands,

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

[FR Doc. 2018–02914 Filed 2–12–18; 8:45 am]

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DEPARTMENT OF JUSTICE

National Institute of Justice

[OMB Number 1121–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 30 Day notice.

SUMMARY: The Department of Justice, National Institute of Justice, is 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.

DATES: The Department of Justice encourages public comment and will accept input until March 15, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional 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 Jack Harne, Physical Scientist, National Institute of Justice, 810 Seventh Street NW, Washington, DC 20531 (phone

202–598–9412). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: 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 National Institute of Justice, 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;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; 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 Collection.

2. *The Title of the Form/Collection:* National Survey on Correctional Contraband (NCSS).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* “There is no agency form number for this collection.” The applicable component within the Department of Justice is the Office of Justice Programs, National Institute of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The current project aims to develop national statistics on correctional contraband and interdiction modalities to fill these significant knowledge gaps in the field. NIJ, in collaboration with the Urban Institute, will collect the data from the department of corrections in all 50 states and a nationally representative sample of jails (n = 408).

In correctional facilities, contraband items such as drugs, alcohol, cell

phones, tobacco products, and makeshift weapons can be used by inmates to spread violence, engage in criminal activity, create underground economies, and perpetuate existing addictions. Contraband in correctional facilities is therefore a cause of serious concern for the safety and security of inmates and correctional staff. However, little is known about what types of contraband interdiction modalities are exercised across jurisdictions and have proven successful, let alone how much and what type of contraband is found in correctional facilities in the U.S. and how it is brought in.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated range of burden for respondents completing the survey is 60 minutes. The department of corrections in all 50 states, responding for 1,821 prison facilities, and a nationally representative sample of jails (n = 408) will be recruited to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 2,221 hours. It is estimated that 1,821 state participants and 408 jail participants will take one hour to complete the survey.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 8, 2018.

Melody Braswell,

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

[FR Doc. 2018–02919 Filed 2–12–18; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of