

that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 20, 2017, based on a complaint filed on behalf of Kyocera Senco Brands Inc. (now known as Kyocera Senco Industrial Tools, Inc.) ("Kyocera") of Cincinnati, Ohio. 82 FR 55118-19 (Nov. 20, 2017). The complaint, as amended and supplemented, alleged violations of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("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 gas spring nailer products and components thereof by reason of infringement of, *inter alia*, certain claims of U.S. Patent Nos. 8,267,296 ("the '296 patent"); 8,27,297 ("the '297 patent"); 8,387,718 ("the '718 patent"); 8,286,722 ("the '722 patent"); and 8,602,282 ("the '282 patent"). The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named as a respondent Hitachi Koki U.S.A., Ltd. (now known as Koki Holdings America Ltd.) ("Koki") of Braselton, Georgia. The Office of Unfair Import Investigations did not participate in the investigation. Prior to the evidentiary hearing, the parties stipulated that the '718 patent was the only remaining patent at issue because no violation could be shown as to the '296, '297, '722, and '282 patents based on claim construction and an evidentiary ruling excluding Kyocera's expert testimony with respect to proving infringement under the doctrine of equivalents, but not literal infringement. See Initial Determination (Jun. 7, 2019) at 1-2, *unreviewed by Comm'n Notice* (Aug. 14, 2019) ("the August 14, 2019 Determination").

On March 5, 2020, having found asserted claims 1, 10, and 16 of the '718 patent infringed and not invalid and the domestic industry requirement satisfied, the Commission issued its final determination finding a violation of section 337. 85 FR 14244-46 (Mar. 11, 2020). The Commission issued a limited exclusion order ("LEO") directed against Koki's infringing products and a cease and desist order ("CDO") directed against Koki. *Id.*

Both Kyocera and Koki timely appealed the August 14, 2019 Determination and the Commission's final determination, respectively, to the Federal Circuit. The separate appeals were subsequently consolidated. On

January 21, 2022, the Court issued a decision vacating and remanding (for further proceedings consistent with the Court's opinion) the Commission's finding of a violation of section 337. *Kyocera Senco Indus. Tools Inc. v. ITC*, 22 F.4th 1369 (Fed. Cir. 2022). Specifically, the Federal Circuit: (1) ruled that Kyocera's expert testimony should have been excluded for both infringement under the doctrine of equivalents and literal infringement; (2) reversed the Commission's finding that the "lifter member" limitation was not means-plus-function; (3) held that the "initiating a driving cycle" limitation cannot be met by pressing the exit end of a safety contact element against a workpiece; and (4) affirmed the Commission on all other issues on appeal. The Court's mandate issued on March 14, 2022, returning jurisdiction to the Commission for the remanded issues.

On March 28, 2022, the Commission issued an Order requesting the parties to provide comments concerning what further proceedings are appropriate consistent with the Court's judgment, including whether the matter should be referred to the ALJ. See Comm'n Order (Mar. 28, 2022) at 2-3.

On April 7, 2022, Kyocera and Koki each submitted comments. In addition to its comments, on April 7, 2022, Kyocera filed a motion to terminate the remand proceeding due to withdrawal of its complaint. On April 14, 2022, Kyocera and Koki each submitted response comments. On the same date, Koki also submitted an opposition to Kyocera's motion to terminate.

The Commission has determined to terminate the investigation. Kyocera, the complainant, no longer seeks relief. Koki seeks further decision-making by the Commission in remand proceedings that, if Koki were to prevail, would amount to a declaratory judgment of noninfringement for Koki. The Commission, however, lacks the authority to proceed with declaratory (or any other) counterclaims.¹ 19 U.S.C. 1337(c); *see also, e.g., Solomon Techs.,*

¹ The Commission's rules of practice, 19 CFR 210.21(a), do not contemplate or specify procedures for a situation, as here, where the Commission's final determination is vacated on appeal and remanded for further proceedings. The Commission has the inherent authority under these circumstances to manage its docket and to terminate the investigation at Kyocera's request. *Certain Digital Satellite System (DSS) Receivers and Components Thereof*, Inv. No. 337-TA-392, Notice, 64 FR 27295 (May 19, 1999). The relief that Koki seeks, by opposing termination of the remanded investigation and pressing to continue forward, would result in a waste of public and private resources. Moreover, as set forth in the above text, continuing now would be in tension, if not outright conflict, with section 337(c).

Inc. v. ITC, 524 F.3d 1310, 1320 (Fed. Cir. 2008).

As part of this termination, the Commission rescinds the remedial orders in their entirety.

The Commission has also determined that it would be premature at this time for it to decide the effect, if any, of this termination on a future complaint that might be filed. Accordingly, the Commission need not and does not now decide what action it may take, or what conditions may apply, should Kyocera in the future file a complaint based on the same or similar alleged violations of section 337 by Koki. Nor does the Commission now decide whether and how, if a new investigation were instituted based on the same or similar allegations, the record from the instant investigation may be used in such future investigation.

The investigation is terminated.

The Commission vote for this determination took place on June 15, 2022.

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: June 15, 2022.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2022-13269 Filed 6-21-22; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0081]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Appeals of Background Checks

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit 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: Comments are encouraged and will be accepted for an additional 30 days until July 22, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

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 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;
- 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:* Extension Without Change of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* Appeals of Background Checks.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit.

Abstract: This information collection allows a responsible person or an employee authorized to possess explosive materials to appeal an adverse background check determination, by submitting appropriate documentation to the Bureau of Alcohol Tobacco Firearms and Explosives.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 500 respondents will respond to this collection once annually, and it will take each respondent approximately 2 hours to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,000 hours, which is equal to 500 (total respondents) * 1 (# of response per respondent) * 2 (# of hours or the time taken to prepare each response).

If additional information is required contact: Robert J. Houser, Assistant Director, Policy and Planning Staff, Office of the Chief Information Officer, United States Department of Justice, Justice Management Division, Two Constitution Square, 145 N Street NE, Mail Stop 3.E–206, Washington, DC 20530.

Dated: June 16, 2022.

Robert Houser,

Assistant Director, Policy and Planning Staff, U.S. Department of Justice.

[FR Doc. 2022–13351 Filed 6–21–22; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Alternative Reporting Methods for Apprenticeship and Training Plans and Top Hat Plans

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored 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 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before July 22, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) whether the collection of information is

necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Mara Blumenthal by telephone at 202–693–8538, or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION:

Regulations under section 29 CFR 2520.104–22 provide an exemption to the reporting and disclosure provision of Part 1 of Title I of ERISA for employee welfare benefit plans that provide exclusively apprenticeship and training benefits. Regulations under section 29 CFR 2520.14–23 provide an alternative method of compliance with the reporting and disclosure of Title I of ERISA for unfunded or insured plans established for a select group of management of highly compensated employees (*i.e.*, top hat plans). To satisfy the exemption and the alternative method of compliance respectively, plan administrators must satisfy the specified reporting and disclosure requirements. The 2019 final rule revised the procedures for filing apprenticeship and training plan notices and top hat plan statements with the Secretary of Labor to require electronic submission of these notices and statements. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 17, 2022 (87 FR 15267).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR