

**FOR FURTHER INFORMATION CONTACT:**

Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3179. Copies of 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 <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>. 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:** The Commission instituted this investigation on April 10, 2019, based on a complaint filed by DEI Holdings, Inc. and Directed, LLC, both of Vista, California, and Directed Electronics Canada Inc. of Lachine, Quebec, Canada (collectively, "Complainants"). 84 FR 14395-96 (Apr. 10, 2019). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain vehicle security and remote convenience systems and components thereof, by reason of infringement of certain claims of U.S. Patent Nos. 7,191,053 ("the '053 patent"); 7,483,783 ("the '783 patent"); 7,646,285; 7,898,386; and 8,378,800. *Id.* at 14396. The complaint further alleged that a domestic industry exists. *Id.* The notice of investigation named as respondents Automotive Data Solutions Inc. of Montreal, Quebec, Canada; Firstech, LLC of Kent, Washington (collectively, "Respondents"); and AAMP of Florida, Inc. ("AAMP") of Clearwater, Florida. *Id.* The Office of Unfair Import Investigations was not named as a party. Respondent AAMP was later terminated from the investigation based on a settlement agreement. Order No. 7 (Oct. 3, 2019), *as amended by* Corrected Order No. 7 (Oct. 4, 2019), *not reviewed by* Comm'n Notice (Oct. 22, 2019).

On December 10, 2019, Respondents filed (1) a motion for partial termination of the investigation based on Complainants' lack of standing to assert the '053 and '783 patents; and (2) a

motion to strike the "Belated Production of the 2006 Astroflex Asset Purchase Agreement and Supplemental Responses to Respondents' Interrogatory No. 23." On December 23, 2019, Complainants filed oppositions to Respondents' motions. On December 30, 2019, Respondents filed replies in support of their motions.

On January 9, 2020, the ALJ issued an ID (Order No. 18) addressing both of Respondents' motions. That ID (1) granted Respondents' motion for partial termination as to the '053 and '783 patents for lack of standing, ID at 2, 10-11; and (2) denied as moot Respondents' motion to strike "in light of the decision herein to terminate the investigation with respect to the '053 and '783 patents," *id.* at 3 n.2.

On January 15, 2020, Complainants filed a motion for reconsideration of the ID (Order No. 18) under Ground Rule 3.12. On January 17, 2020, Complainants also filed a petition for review of the ID, requesting that the Commission remand for a hearing on the '053 and '783 patents. Pet. at 4.

On January 24, 2020, the parties filed a joint motion to terminate the investigation in its entirety based on a settlement agreement.

On January 31, 2020, the ALJ issued the subject ID (Order No. 20) granting the joint motion and terminating the investigation in its entirety. The ID found that the motion complies with Commission Rules, and that "[t]here is no evidence of any . . . adverse effects [on the public interest]." ID at 2 (citations omitted). No petitions for review of the subject ID were filed.

On February 10, 2020, the Commission decided to extend until March 3, 2020, the date for determining whether to review the ALJ's earlier ID (Order No. 18) that terminates the investigation in part based on Complainants' lack of standing to assert certain patents. *See* Comm'n Notice (Feb. 10, 2020).

The Commission has determined not to review the subject ID. The Commission has also determined that Order No. 18 is moot. The investigation is hereby terminated.

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 28, 2020.

**Lisa Barton,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act and the Resource Conservation and Recovery Act

On February 27, 2020, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Missouri in the lawsuit entitled *United States v. Dyno Nobel, Inc.*, Case No. 3:19-CV-05031-MDH.

The United States filed this lawsuit against Dyno Nobel, Inc., (Dyno Nobel) for alleged violations of the Clean Water Act (CWA) and the Resource Conservation and Recovery Act (RCRA) at its facilities in Carthage, Missouri and Louisiana, Missouri. Specifically, the United States alleged that Dyno Nobel violated the CWA at both facilities by discharging pollutants in amounts that exceeded the facilities' permitted limits; failing to properly sample and monitor discharges; and failing to appropriately manage stormwater. The United States further alleged that Dyno violated RCRA by disposing of hazardous waste at both facilities without a permit, and at the Carthage Facility, by failing to meet requirements for the generation and transportation of hazardous waste.

Under the proposed Consent Decree Dyno Nobel will undertake injunctive measures at both its facilities. At its Carthage facility, Dyno Nobel will separate stormwater from process wastewater, ship high-strength wastewater off-site, update its stormwater program, sample and clean up discrete areas, and construct a baghouse to address dope releases. At its Louisiana facility, Dyno will perform a sewer survey and update its stormwater program. Dyno Nobel will also pay a civil penalty of \$2.9 million in addition to interest. In return, the United States agrees not to sue for the claims alleged in the Complaint and for additional permit violations through, the date of lodging (February 27, 2020).

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Dyno Nobel, Inc.*, D.J. Ref. No. 90-5-1-1-11542. 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 proposed Consent Decree 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 proposed Consent Decree 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 \$10.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Susan M. Akers,**

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

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## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Memorandum for the Heads of Executive Departments and Agencies on the PEER Initiative: Protecting Employees, Enabling Reemployment

**SUMMARY:** The Office of Management and Budget has directed the Secretary of Labor to publish a memorandum on the PEER Initiative in the **Federal Register**,

as part of the President's Management Agenda—Modernizing Government for the 21st Century and the President's Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand. Federal agencies and the United States Postal Service are expected to improve or maintain performance in seven areas related to work-related injuries.

**SUPPLEMENTARY INFORMATION:** Each year, federal civilian employees sustain work-related injuries and illnesses. In 2018, federal workers filed almost 107,000 new claims and received approximately \$3 billion in workers' compensation payments. Many of these work-related injuries and illnesses are preventable, and executive departments and agencies can and should do more to improve workplace safety and health, improve efficiencies, reduce the financial burden of injury on taxpayers, and relieve unnecessary suffering by workers and their families.

Therefore, the Protecting Employees, Enabling Reemployment (PEER) Initiative is being created to set forth goals to achieve these important objectives and supports the President's Management Agenda—Modernizing Government for the 21 Century and the President's Initiative to Stop Opioid Abuse and Reduce Drug Supply and Demand. Federal agencies and the United States Postal Service are expected to improve or maintain performance in seven areas:

1. Reducing total injury and illness case rates;
2. reducing lost-time injury and illness case rates;
3. increasing the timely filing rate for workers' compensation claims;
4. increasing the timely filing rate for wage-loss claims;
5. increasing the rate of return-to-work outcomes during the initial 45 day post-injury period for traumatic injury cases;
6. improving the rate at which employees return to work in cases of moderate to severe injury or illness; and

7. implementing and fully using the Department of Labor's electronic filing system.

Goals one through six measure reductions in workplace injuries, reductions in time off work because of injuries, improvements in return-to-work, and improving the rate of timely filed claims, all of which help relieve unnecessary suffering by workers and reduce the financial burden of injury on taxpayers. The seventh goal will standardize the claims process. It will also aid in direct and immediate communication with an injured employee, facilitating prompt treatment and providing critical opioid awareness and pain education.

Executive departments and agencies shall coordinate with the Department of Labor's Occupational Safety and Health Administration and Office of Workers' Compensation Programs to develop strategies aimed at achieving performance targets in each category. The Secretary of Labor shall lead the initiative by measuring both government-wide and agency-level performance. Each executive department and agency shall bear its own costs for participating in the PEER Initiative. Nothing in this memorandum shall be construed to impair or otherwise affect the authority granted by law to an executive department or agency, or the head thereof. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable by law or in equity by any party against the United States; its departments, agencies, or entities; its officers, employees, or agents; or any other person.

Signed at Washington, DC, this 26th day of February, 2020.

**Julia K. Hearthway,**

*Director, Office of Workers' Compensation Programs.*

**BILLING CODE 4510–24–P**