

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2310. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised 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*, claims 1, 10, and 16 of U.S. Patent Nos. 8,387,718 ("the '718 patent"). The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named Koki as a respondent. The Office of Unfair Import Investigations did not participate in the investigation.

On March 5, 2020, the Commission issued its final determination finding a violation of section 337 based on infringement of the asserted claims of the '718 patent. 85 FR 14244–46 (Mar. 11, 2020). The Commission issued an LEO directed against Koki's infringing products, and a CDO directed against Koki. *Id.* On July 1, 2020, Koki filed an appeal to the U.S. Court of Appeals for the Federal Circuit, which is currently pending (Appeal No. 20–2050).

On June 30, 2020, U.S. Customs and Border Protection ("CBP") issued a ruling, pursuant to 19 CFR part 177, that the redesigned products are outside of the scope of the LEO issued in the investigation. *See* RX–1001 (CBP Ruling); CX–1017C (Ltr. Requesting CBP Ruling). In response, on August 17, 2020, Kyocera petitioned for institution of a modification proceeding, requesting the Commission to determine if the redesigned products are outside of the

scope of the LEO and CDO. On August 27, 2020, Koki opposed the petition.

On September 16, 2020, the Commission instituted a modification proceeding to determine whether the redesigned products are covered by the LEO and CDO. *See* 85 FR 59543–44 (Sept. 22, 2020); Comm'n Order (Sept. 16, 2020). On October 22, 2020, the Commission issued a revised modification institution order that clarified that the presiding ALJ would consider, in the first instance, any issues regarding potentially impermissible arguments raised by Kyocera in the course of the modification proceeding. *See* Revised Comm'n Order (Oct. 22, 2020).

On July 2, 2021, the CALJ issued the subject RD finding that Koki's redesigned products are not covered by the LEO and CDO.

On July 16, 2021, Kyocera submitted comments on the RD. On July 22, 2021, Koki filed a response to Kyocera's comments.

Having reviewed the record and the parties' submissions, the Commission has determined to adopt the RD's finding that the redesigned products do not infringe claims 1, 10, and 16 of the '718 patent and thus are not covered by the LEO and CDO. The Commission has issued a contemporaneous order indicating that the redesigned products are exempt from the scope of the LEO and CDO.

The modification proceeding is terminated.

The Commission vote for this determination took place on August 4, 2021.

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: August 4, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021–16976 Filed 8–9–21; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1274]

### Certain Optical Enclosures, Components Thereof, and Products Containing the Same; 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 July 2, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Criterion Technology, Inc. of Thomaston, Georgia. A supplement was filed on July 23, 2021. The complaint alleges violations of section 337 based upon the importation into the United States, and in the sale of certain optical enclosures, components thereof, and products containing the same by reason of the misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure a domestic industry. The complainant requests 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, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). 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>.

#### FOR FURTHER INFORMATION CONTACT:

Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

#### 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 (2020).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on August 4, 2021, 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)(A) of section 337 in the importation into the United States, or in the sale of certain products identified in paragraph (2) by reason of misappropriation of trade

secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(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 "polycarbonate and nylon optical enclosures";

(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 complainant is:

Criterion Technology, Inc., 101 McIntosh Parkway, Thomaston, GA 30289.

(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:

Velodyne Lidar USA, Inc., 5521 Hellyer Avenue, San Jose, CA 95138.

Fujian Fran Optics Co., Ltd., No. 25, Standard Workshop, Juyuanzhou, Jinshan Industrial District, Fuzhou, 350002, Fujian, China

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

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

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), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant 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: August 4, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021-16975 Filed 8-9-21; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On August 2, 2021, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of West Virginia (Clarksburg Division) in the lawsuit entitled *United States of America et al. v. LPG Land & Development Corporation*, No. 1:21-cv-33-TSK.

The United States and the State of West Virginia, by and through the West Virginia Department of Environmental Protection, filed this lawsuit against LPG Land & Development Corporation ("Defendant"), pursuant to the Clean Water Act and the West Virginia Water Pollution Control Act. The United States and West Virginia seek injunctive relief and civil penalties from the Defendant for violations relating to the discharge of pollutants into waters of the United States without a permit, and in violation of a permit, at the Mon Fayette Industrial Park located in Morgantown, West Virginia. The proposed consent decree resolves these allegations by requiring the Defendant to purchase mitigation bank credits and pay a civil penalty of \$125,000 (with half paid to the United States and the other half paid to the State).

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 et al. v. LPG Land & Development Corporation*, D.J. Ref. Nos. 90-5-1-1-20587 & 90-5-1-1-20587/1. 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 e-mail .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the 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 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 \$108.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the appendices, the cost is \$12.75.

**Susan Akers,**

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

[FR Doc. 2021-16974 Filed 8-9-21; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

[OMB Number 1121-0336]

### Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection: Office for Victims of Crime Training and Technical Assistance Center—Trafficking Information Management System (TIMS)

**AGENCY:** Office for Victims of Crime, Department of Justice.

**ACTION:** 60-Day notice.

**SUMMARY:** The Department of Justice (DOJ), Office of Justice Programs, Office for Victims of Crime, will be 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:** Comments are encouraged and will be accepted for 60 days until October 12, 2021.

**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