the United States after importation of certain microelectromechanical systems ("MEMS") devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,220,614 ("the '614 patent") and 7,364,942 ("the '942 patent"). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint named as respondents Knowles and Mouser.

On December 23, 2010, the ALJ issued his final ID finding a violation of section 337 by respondents as to the '942 patent only, and issued his recommended determinations on remedy and bonding. On January 18, 2011, respondents, Analog Devices, and the Commission investigative attorney ("IA") each filed a petition for review of the final ID, and each party filed a response on January 27, 2011.

On March 7, 2011, the Commission determined to review: (1) The ALJ's construction of the claim term "oven" relating to both the '614 and '942 patents; (2) the ALJ's construction of the claim term "sawing" relating to both the '614 and '942 patents; (3) the ALJ's determination that the accused process does not infringe, either literally or under the doctrine of equivalents, claims 12, 15, 31–32, 34–35, and 38–39 of the '614 patent or claim 1 of the '942 patent; (4) the ALJ's finding that U.S. Patent No. 5,597,767 ("the '767 patent") does not incorporate by reference U.S. Patent Nos. 5,331,454 ("the '454 patent") and 5,512,374 ("the '374 patent"); (5) the ALJ's finding that claims 2–6 and 8 are infringed by the accused process; (6) the ALJ's findings that claims 34–35 and 38–39 of the '614 patent, and claims 2–6 and 8 of the '942 patent, are not anticipated, under 35 U.S.C. 102(a), by the '767 patent or the '374 patent; (7) the ALJ's findings that claims 34–35 and 38–39 of the '614 patent are not obvious, under 35 U.S.C. 103, in view of the '767 patent and the Sakata *et al.* ("Sakata") prior art reference; and (8) the ALJ's finding that the technical prong of the domestic industry requirement is satisfied as to both the '614 and '942 patents. The determinations made in the final ID that were not reviewed became final determinations of the Commission by operation of rule. *See* 19 U.S.C. 210.42(h).

The Commission requested the parties to respond to certain questions concerning the issues under review and requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties. 74 FR 13433–34 (March 11, 2011).

On March 18 and March 25, 2011, respectively, complainant Analog Devices, respondents, and the IA each filed a brief and a reply brief on the issues for which the Commission requested written submissions. Also, on March 21, 2001, respondents filed a motion for leave to file a corrected submission that clarified that the March 18, 2011 submission was filed on behalf of both Knowles and Mouser. On March 29, 2011, respondents filed a motion for leave to file a corrected submission that strikes a portion of their initial brief. On March 31, 2011, respondents filed notice of their withdrawal of their March 29, 2011 motion. The Commission has determined to grant respondents' remaining motion of March 21, 2011.

Having reviewed the record in this investigation, including the final ID and the parties' written submissions, the Commission has determined to affirm-in-part and reverse-in-part the ID's findings under review. Particularly, the Commission has reversed the ALJ's finding and has determined that the '767 patent incorporates by reference the '374 and '454 patents.

The Commission has affirmed all other issues under review including the following: (1) The ALJ's construction of the claim term "oven" relating to both the '614 and '942 patents; (2) the ALJ's construction of the claim term "sawing" relating to both the '614 and '942 patents; (3) the ALJ's determination that the accused process does not infringe, either literally or under the doctrine of equivalents, claims 12, 15, 31–32, 34–35, and 38–39 of the '614 patent or claim 1 of the '942 patent; (4) the ALJ's finding that claims 2–6 and 8 of the '942 patent are infringed by the accused process; (5) the ALJ's findings that claims 34–35 and 38–39 of the '614 patent, and claims 2–6 and 8 of the '942 patent, are not anticipated, under 35 U.S.C. 102(a), by the '767 patent or the '374 patent; (6) the ALJ's findings that claims 34–35 and 38–39 of the '614 patent are not obvious, under 35 U.S.C. 103, in view of the '767 patent and Sakata; and (7) the ALJ's finding that Analog Devices satisfies the technical prong of the domestic industry requirement with respect to the '614 and '942 patents, based on his finding that respondents' argument based on *NTP, Inc.* v. *Research In Motion, Ltd.,* 418 F.3d 1282, 1313–1321 (Fed. Cir. 2005), is waived. The Commission has taken no position on the ALJ's finding that the domestic industry is satisfied even if respondents' argument based on *NTP* is not waived. These actions result in a finding of a violation of section 337 with respect to claims 2–6 and 8 of the '942 patent.

Further, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of MEMS devices and products containing the same that infringe claims 2–6 and 8 of the '942 patent that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Knowles or Mouser, or any of their affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns.

The Commission further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the limited exclusion order. Finally, the Commission determined that no bond is required to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's order and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The Commission has terminated this investigation. 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 sections 210.42, 210.45, and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42, 210.45, 210.50).

By order of the Commission.

Issued: May 10, 2011.

James R. Holbein,

Acting Secretary to the Commission.

[FR Doc. 2011–12183 Filed 5–17–11; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Park System Resource Protection Act

Notice is hereby given that on May 9, 2011, the United States lodged a proposed Consent Decree in *United States et al.* v. *South Carolina Electric & Gas Company,* Case No. 2–11–cv–1110–CWH (D. S. Car. May 9, 2011). The proposed Consent Decree resolves environmental claims brought by plaintiffs including the United States Department of Interior, National

Oceanic and Atmospheric Administration of the United States Department of Commerce, the Office of the Governor of South Carolina, the South Carolina Department of Health and Environmental Control ("SDHEC"), and the South Carolina Department of Natural Resources ("SCDNR") against South Carolina Electric & Gas Company ("SCE&G"). The claims arise from the release of hazardous substances at the National Park Service's Dockside II Property, which is located in Fort Sumter National Monument, Charleston, South Carolina.

Under the terms of the Consent Decree, SCE&G agrees to pay the United States $3.4 million for costs incurred responding to the release or threatened release of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607(a). In addition, SCE&G agrees to pay $200,000 in damages to the United States for damages incurred by the National Park Service under the Park System Resource Protection Act, 16 U.S.C. 19jj. SCE&G also agrees to pay $120,528.88 to state and federal trustees for natural resources damages, which will be used for oyster habitat restoration, 42 U.S.C. 9607(a). Finally, SCE&G has agreed to reimburse NOAA for $26,932.51, SCDHEC for $1,589.26, and SCDNR for $949.35 in costs incurred performing natural resources damages assessments, 42 U.S.C. 9607(a). In return, SCE&G, will receive a covenant not to sue from the United States with respect to past and future response costs at the Dockside II Property pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a) and damages under the Park System Resource Protection Act, 16 U.S.C. 19jj. SCE&G will also receive a covenant from the United States and State of South Carolina for natural resources damages pursuant to CERCLA Section 107(a) at the Calhoun Park Area Site, 42 U.S.C. 9607(a).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to Ignacia S. Moreno, Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States et al.* v. *South Carolina Electric & Gas Company,* Case No. 2–11–cv–1110–CWH (D. S. Car. May 9, 2011), D.J. Ref. 90–11–2–1171/1.

The Consent Decree may be examined on the following Department of Justice website: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $6.50 (.25 cents per page reproduction cost) payable to the U.S. Treasury, or if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Dated: May 12, 2011.

Henry Friedman,

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

[FR Doc. 2011–12218 Filed 5–17–11; 8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Respirator Program Records

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, "Respirator Program Records," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35).

DATES: Submit comments on or before June 17, 2011.

ADDRESSES: A copy of this ICR, with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an e-mail to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, Mine Safety and Health Administration (MSHA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–6929/Fax: 202–395–6881 (these are not toll-free numbers), e-mail: *OIRA_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by e-mail at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: MSHA regulations provide that, generally, whenever respiratory equipment is used, metal and nonmetal mine operators institute a respirator program governing selection, maintenance, training, fitting, supervision, cleaning, and use of respirators. These regulations seek to control miner exposure to harmful airborne contaminants by using engineering controls to prevent contamination and vent or dilute the contaminated air. The regulations include information collections related to the development of a respirator program that addresses the selection, use, and care of respirators; fit-testing records used to ensure that a respirator worn by an individual is the same brand, model, and size respirator that was worn when that individual successfully passed a fit-test; and records kept of inspection dates and findings for respirators maintained for emergency use. The mine operator uses the information to issue proper respiratory protection to miners when feasible engineering and/or administrative controls do not reduce miners' exposures to permissible levels. The MSHA uses the information to determine compliance with the standard.

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 it is approved by the OMB under the PRA 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 if the collection of information does not display a valid OMB control number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1219–0048. The current OMB approval is scheduled to expire on May 31, 2011; however, it should be noted that information collections submitted to the OMB receive a month-