

days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

**Bettie J. Shelby,**

*Land Law Examiner, Division of Lands and Cadastral.*

[FR Doc. 2018-02913 Filed 2-12-18; 8:45 am]

**BILLING CODE 4310-JA-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AA-9389, AA-9390, AA-9391, AA-9392, AA-9407, AA-9416, AA-9701, AA-9719, AA-10007, AA-11270; 18X.LLAK9440000.L14100000.HY0000.P]

### Alaska Native Claims Selection

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The Bureau of Land Management (BLM) hereby provides constructive notice that it will issue an appealable decision approving conveyance of the surface estate in certain lands to Calista Corporation, an Alaska Native regional corporation, pursuant to the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA). Ownership of the subsurface estate will be retained by the United States.

**DATES:** Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the time limits set out in the **SUPPLEMENTARY INFORMATION** section.

**ADDRESSES:** You may obtain a copy of the decision from the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, AK 99513-7504.

**FOR FURTHER INFORMATION CONTACT:** Matthew R. Lux, BLM Alaska State Office, 907-271-3176 or [mlux@blm.gov](mailto:mlux@blm.gov). The BLM Alaska State Office may also be contacted via Telecommunications Device for the Deaf (TDD) through the Federal Relay Service at 1-800-877-8339. The relay service is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. The BLM will reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** As required by 43 CFR 2650.7(d), notice is hereby given that the BLM will issue an

appealable decision to Calista Corporation. The decision approves conveyance of the surface estate in certain lands pursuant to ANCSA (43 U.S.C. 1601, *et seq.*), as amended. Ownership of the subsurface estate will be retained by the United States. The lands are located within the Yukon Delta National Wildlife Refuge, and aggregate 433.80 acres. The BLM will also publish the Notice of the decision once a week for four consecutive weeks in *The Delta Discovery* newspaper.

Any party claiming a property interest in the lands affected by the decision may appeal the decision in accordance with the requirements of 43 CFR part 4 within the following time limits:

1. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who fail or refuse to sign their return receipt, and parties who receive a copy of the decision by regular mail which is not certified, return receipt requested, shall have until March 15, 2018 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4 shall be deemed to have waived their rights. Notices of appeal transmitted by facsimile will not be accepted as timely filed.

**Matthew R. Lux,**

*Land Law Examiner, Division of Lands and Cadastral.*

[FR Doc. 2018-02911 Filed 2-12-18; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1032]

### Certain Single-Molecule Nucleic Acid Sequencing Systems and Reagents, Consumables, and Software for Use With Same Commission's Final Determination Finding No Violation of Section 337; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930, as amended, in this investigation. The investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Lucy Grace D. Noyola, Office of the

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-3438. 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 (<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 December 8, 2016, based on a complaint filed by Pacific Biosciences of California, Inc. of Menlo Park, California ("PacBio"). 81 FR 88703, 88703-04 (Dec. 8, 2016). The complaint, as amended, alleges 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, and the sale within the United States after importation of certain single-molecule nucleic acid sequencing systems and reagents, consumables, and software for use with same by reason of infringement of certain claims of U.S. Patent Nos. 9,404,146 ("the '146 patent") and 9,542,527 ("the '527 patent"). *Id.* at 88704; 82 FR 15236 (Mar. 27, 2017). The notice of investigation named as respondents Oxford Nanopore Technologies Ltd. of Oxford, United Kingdom; Oxford Nanopore Technologies, Inc. of Cambridge, Massachusetts; and Metrichor, Ltd. of Oxford, United Kingdom (collectively, "Oxford"). 81 FR at 88704. The Office of Unfair Import Investigations ("OUII") also was named as a party to the investigation. *Id.*

On May 23, 2017, the presiding administrative law judge ("ALJ") issued Order No. 10 ("Markman Order"), construing the limitations "single-molecule sequencing process," which is recited in claims 1, 5-7, 14, and 16-17 of the '146 patent and claims 1 and 3-4 of the '527 patent, and "single-molecule sequencing," which is recited in claims 20-21 of the '146 patent (collectively, "single-molecule sequencing" limitations).

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 1D<sup>2</sup> 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 1D<sup>2</sup> 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]

**BILLING CODE 7020–02–P**

## 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: