

Fitness Systems, Inc. on September 4, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (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 strength-training systems and components thereof. The complaint names as respondents: TuffStuff Fitness International, Inc., of Chino, CA; and Shandong Relax Health Industry Co. Ltd. of China. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond during the 60-day review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and
- (v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the

issuance of any final initial determination in this investigation. Any written submissions on other issues should be filed no later than by close of business nine calendar days after the date of publication of this notice in the **Federal Register**. Complainant may file a reply to any written submission no later than the date on which complainant's reply would be due under § 210.8(c)(2) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(c)(2)).

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3338) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).<sup>1</sup> Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract

personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 4, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-19500 Filed 9-7-18; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

### The Appointment of the Commission's Administrative Law Judges for Section 337 Investigations

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission's administrative law judges ("ALJs") have been appointed in conformance with the Appointments Clause of the U.S. Constitution and with the Tariff Act.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2532. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), provides for certain determinations to be "made on the record after notice and opportunity for a hearing in conformity with the provisions of subchapter II of chapter 5 of title 5." 19 U.S.C. 1337(c). Pursuant to subchapter II of chapter 5 of title 5, the Commission employs ALJs to conduct formal adjudications and to make initial and recommended determinations. 5 U.S.C. 556-557; 19 CFR 210.3 ("administrative law judge").

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf).

Pursuant to section 331 of the Tariff Act, 19 U.S.C. 1331, the Chairman of the Commission has the authority to “appoint and fix the compensation of such employees of the Commission as he deems necessary,” including ALJs. 19 U.S.C. 1331(a)(1)(A)(1). Any such decision by the Chairman, however, is “subject to disapproval by a majority vote of all the commissioners in office.” *Id.* § 1331(a)(1)(C). The hiring of the Commission’s ALJs has been in conformity with Titles 5 and 19 of the U.S. Code, as well as with such regulations as were then in force by the Office of Personnel Management, 5 CFR 930.201–.211.

The Appointments Clause of the Constitution, art. II, § 2, cl. 2, provides, in relevant part, that Congress may vest the appointment of inferior officers “in the Heads of Departments.” In the past two years, there have been legal developments concerning the Appointments Clause. These developments have included the 2016 decision of the U.S. Court of Appeals for the Tenth Circuit finding ALJs of the Securities and Exchange Commission (“SEC”) to be “inferior officers” for the purpose of the Appointments Clause, *Bandimere v. SEC*, 844 F.3d 1168, 1188 (10th Cir. 2016), *reh’g en banc denied* (May 3, 2017). In 2018, the Supreme Court decided that the ALJs of the SEC are inferior officers whose appointments were to be made by SEC and not by the SEC’s staff. *Lucia v. SEC*, 138 S. Ct. 2044, 2053–54 (2018); *see Free Enterprise Fund v. Public Company Accounting Oversight Bd.*, 561 U.S. 477, 512 (2010).

The hiring of the Commission’s ALJs is, and has been, consistent with the Appointments Clause and with the Commission’s organic statute. Throughout at least the period of time between the hiring of the most-senior ALJ at the Commission (Chief Judge Bullock) until the present, the appointment of ALJs has been made by the Chairman, and no Commissioner has initiated a vote to disapprove the appointment of an ALJ, as is the Commissioner’s right under 19 U.S.C. 1331(a)(1)(C). Out of an abundance of caution, on March 14 and 15, 2018, the Commission (then-Chairman Schmidlein, joined by then-Vice Chairman Johanson, and Commissioners Williamson and Broadbent) voted, by notational voting, to ratify the earlier appointments of Judges Bullock, Lord, McNamara, Pender and Shaw. Also out of an abundance of caution, on February 8, 2018, the Commission voted, by notational voting, in connection with Judge Cheney’s original appointment.

Accordingly, the Commission’s ALJs have all been appointed and/or ratified in conformance with the Constitution, and all applicable statutes and regulations. In addition, by this Notice, the Commission reiterates its approval of the appointments of Judges Bullock, Cheney, Lord, McNamara, Pender, and Shaw as its own under the Constitution.

By order of the Commission.

Issued: September 5, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2018–19584 Filed 9–7–18; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[USITC SE–18–041]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** September 12, 2018 at 11:00 a.m.

**PLACE:** Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. No. 731–TA–1189 (Review)(Large Power Transformers from Korea). The Commission is currently scheduled to complete and file its determination and views of the Commission by September 26, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: September 5, 2018.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2018–19703 Filed 9–6–18; 4:15 pm]

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## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1053]

### Certain Two-Way Radio Equipment and Systems, Related Software and Components Thereof; Commission Determination To Review in Part an Initial Determination Finding a Violation of Section 337 and Order Nos. 38 and 47; To Request Written Submissions on Remedy, Bonding, and the Public Interest; and To Extend the Target Date

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part a final initial determination (“ID”) of the presiding administrative law judge (“ALJ”) finding a violation of section 337 and the ALJ’s Order Nos. 38 and 47. The Commission is requesting written submissions on remedy, bonding, and the public interest including submissions in response to certain questions directed to the public interest. The Commission has also extended the target date for completion of the investigation to November 16, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the 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 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 May 3, 2017, based on a complaint filed on behalf of Motorola Solutions, Inc. (“Motorola”) of Chicago, Illinois. 82 FR 20635–36. The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C.