

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 the underlying investigation on August 9, 2016, based on a complaint filed by The Chamberlain Group, Inc. ("Chamberlain") of Elmhurst, Illinois. 81 FR 52713 (Aug. 9, 2016). The complaint alleged a violation of 19 U.S.C. 1337, as amended ("Section 337"), in the importation, sale for importation, or sale in United States after importation of certain access control systems and components thereof that allegedly infringe one or more claims of U.S. Patent Nos. 7,161,319 ("the '319 patent'"), 7,339,336 ("the '336 patent'"), and 7,196,611 ("the '611 patent'"). The '611 patent was subsequently withdrawn and terminated from the investigation. Order No. 28 (May 3, 2017), *not rev'd*, Comm'n Notice (May 31, 2017).

The notice of investigation named Techtronic Industries Co., Techtronic Industries North America, Inc., One World Technologies, Inc., and OWT Industries, Inc., and ET Technology (Wuxi) Co. (collectively "Techtronic") among the respondents. 81 FR 52713. Ryobi Technologies, Inc. was initially named as a respondent but was later terminated. Order No. 6 (Oct. 17, 2016), *not rev'd*, Comm'n Notice (Nov. 7, 2016). The Office of Unfair Import Investigations ("OUII") was not named as a party to the investigation. 81 FR 52713.

On October 23, 2017, the then-presiding administrative law judge ("ALJ") issued a final initial determination ("ID") in the underlying investigation, finding that Techtronic violated Section 337 by importing and selling garage door openers that infringe asserted claims 1-4, 7-12, 15, and 16 of the '319 patent. ID at 294. The ID found no infringement and hence no violation with respect to the '336 patent. *Id.* The ID found none of the claims invalid as obvious, but found claim 34 of the '336 patent invalid under 35 U.S.C. 101 ("Section 101").

The Commission did not review, and thereby adopted, the ID's findings on infringement but determined to review the ALJ's findings on invalidity. 82 FR 61792 (Dec. 29, 2017). The Commission ultimately affirmed the ID's finding that none of the claims is invalid as obvious

and took no position on invalidity under Section 101. Comm'n Op. at 34-38 (Mar. 23, 2018). The Commission found a violation of Section 337 by reason of infringement of the '319 patent but not the '336 patent, and issued a limited exclusion order and cease and desist orders against Techtronic. 83 FR 13517 (Mar. 29, 2018). Chamberlain and Techtronic have cross-appealed the Commission's final determination to the U.S. Court of Appeals for the Federal Circuit. *The Chamberlain Group, Inc. v. International Trade Comm'n*, Appeal Nos. 18-2002, 18-2191 (consolidated).

On August 2, 2018, Techtronic filed a petition to institute a modification proceeding, pursuant to 19 U.S.C. 1337(k), to determine whether its redesigned wireless garage door openers infringe the '319 patent and are covered by the remedial orders issued in the underlying investigation. Chamberlain filed its opposition to the petition on August 13, 2018.

On September 4, 2018, the Commission issued a notice of its determination to institute the modification proceeding. 83 FR 45676 (Sept. 10, 2018). OUII was not named as a party to the modification proceeding. *Id.*

After a period for fact and expert discovery, motions, and pre-hearing briefing, the chief administrative law judge ("CALJ") held an evidentiary hearing on December 12, 2018, on the issues raised by the parties. The parties filed their post-hearing briefs on December 21, 2018, and their reply briefs on January 30, 2019. In view of the partial shutdown of the federal government in January 2019, the CALJ issued an ID to revise the procedural schedule and extend the deadline for issuance of the RD from March 11, 2019, to April 22, 2019. Order No. 48 (Jan. 31, 2019). The Commission subsequently extended the target date for completion of this modification proceeding to July 22, 2019. Comm'n Notice (Mar. 4, 2019).

On April 22, 2019, the CALJ issued his RD, finding that Techtronic's redesigned garage door openers do not infringe the '319 patent and recommending that the remedial orders be modified to exempt Techtronic's non-infringing products. On May 3, 2019, Chamberlain filed comments on the RD asking the Commission to review and reverse the subject RD. Techtronic did not file a reply to Chamberlain's comments.

On June 7, 2019, the Commission determined to review the subject RD and asked the parties to submit additional briefing. Comm'n Notice at 2-3 (June 7, 2019). The parties filed

their initial responses on June 20, 2019, and their reply briefs on June 27, 2019.

Having considered the parties' submissions, the RD, and the evidence of record, the Commission has determined that Techtronic's redesigned wireless products do not infringe the '319 patent and thus are not covered by the remedial orders issued in the underlying investigation. The Commission has further determined to modify the limited exclusion order and cease and desist orders issued in that investigation to exempt Techtronic's non-infringing products. A separate modification order will be issued herewith.

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: July 22, 2019.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2019-15877 Filed 7-25-19; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree and Release of Draft Restoration Plan Under The Comprehensive Environmental Response, Compensation, and Liability Act

On July 18, 2019, the Department of Justice lodged a proposed consent decree with the United States District Court for the Middle District of North Carolina in the lawsuit entitled *United States, the State of North Carolina, and the Commonwealth of Virginia v. Duke Energy Carolinas, LLC*, Civil Action No. 1:19-cv-00707.

The settlement resolves civil claims by the United States, the State of North Carolina, and the Commonwealth of Virginia (collectively the "Trustees") against Duke Energy Carolinas, LLC ("Duke Energy") under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for injury to, impairment of, destruction of, and loss of use of natural resources in the Dan River in North Carolina and Virginia as a result of a coal ash spill from Duke Energy's Dan River Steam Station near Eden, Rockingham County, North Carolina on February 2, 2014 (the "Release"). Under the proposed Consent

Decree, Duke Energy will restore, replace, rehabilitate, or acquire the equivalent of those resources injured by the Release and compensate the public for lost recreational opportunities, as proposed in the draft Restoration Plan. In addition, Duke Energy agrees to pay \$57,310 to the Trustees for restoration planning and oversight costs. Duke Energy will receive from the Trustees a covenant not to sue for natural resource damages under CERCLA, the Clean Water Act, and applicable state law.

In accordance with CERCLA, the Trustees have also written a draft Restoration Plan that describes proposed alternatives for restoring the natural resources and natural resource services injured by the Release. The four preferred restoration alternatives selected by the Trustees in the draft Restoration Plan are: (1) Abreu Grogan Park improvements; (2) establishment of public boat launch facilities on the Dan River; (3) Pigg River Power Dam removal (benefiting the endangered Roanoke logperch); and (4) Mayo River land conservation. These are the same projects that Duke Energy agrees to perform in the Consent Decree.

The publication of this notice opens a period for public comment on the proposed Consent Decree and draft Restoration Plan. Comments on the proposed Consent Decree should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, the State of North Carolina, and the Commonwealth of Virginia v. Duke Energy Carolinas, LLC*, D.J. Ref. No. 90-5-1-1-11057/2. All comments must be submitted no later than forty-five (45) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 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 \$39.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is \$9.75.

Comments on the draft Restoration Plan may be submitted to the Trustees either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:Sara_Ward@fws.gov">Sara_Ward@fws.gov</a> or <a href="mailto:Susan_Lingenfelser@fws.gov">Susan_Lingenfelser@fws.gov</a> .
By mail .....	USFWS Virginia Field Office, 6669 Short Lane, Gloucester, VA 23061, Attn: Dan River Restoration Plan.

All comments must be submitted no later than forty-five (45) days after the publication date of this notice. During the public comment period, a copy of the draft Restoration Plan will be available electronically at [https://www.cerc.usgs.gov/orda\\_docs/Case\\_Details?ID=984](https://www.cerc.usgs.gov/orda_docs/Case_Details?ID=984). A copy of the draft Restoration Plan may also be examined at the Virginia Ecological Services Field Office. Arrangements to view the documents must be made in advance by contacting Susan Lingenfelser at (804) 824-2415.

**Henry S. Friedman,**

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

[FR Doc. 2019-15843 Filed 7-25-19; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Amended Consent Decree Under The Comprehensive Environmental Response, Compensation and Liability Act**

On July 18, 2019, the Department of Justice lodged a proposed Amended Consent Decree with the United States District Court for the Southern District of Iowa in the lawsuit entitled *United States v. ACC Chemical Company, et al.*, Civil Action No. 3-91-CV-10096.

This case concerns the Chemplex Superfund Site in Clinton, Iowa. The United States originally brought this action in 1991 under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. 9601, *et seq.*, to require defendants ACC Chemical Company, Four Star Oil & Gas Company, Getty Chemical Company, Primerica Holdings, Inc., Skelly Oil Company, Quantum Chemical Corporation, Equistar Chemicals, LP,

and the City of Clinton, Iowa, to implement EPA’s selected remedy for the Chemplex Site, and to pay costs incurred by the United States in response to releases of hazardous substances at the Site. The original Consent Decree required the defendants to pay \$597,838.29 in reimbursement of response costs incurred by EPA, to reimburse EPA’s future oversight costs at the Site, and to implement EPA’s selected remedy for the Site.

The Amended Consent Decree requires the defendants to implement EPA’s amended remedy for the Site, adopted by EPA in its Amended Record of Decision for the Site, dated December 26, 2012. Since that date, the defendants have been working cooperatively with EPA to implement EPA’s amended remedy. The Amended Consent Decree formalizes their obligation to continue doing so.

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 v. ACC Chemical Company, et al.*, D.J. Ref. No. 90-11-2-543/3. 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:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 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 \$14.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Jeffrey Sands,**

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

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