

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-818]

Certain Devices With Secure Communication Capabilities, Components Thereof, and Products Containing the Same Decision Not To Review an Initial Determination Terminating the Investigation Due To Lack of Standing and Order No. 14 Denying Complainant's Renewed Motion To Amend the Complaint and Notice of Investigation; 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 determined not to review an initial determination ("ID") (Order No. 15) of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation due to lack of standing of complainant VirnetX, Inc. ("VirnetX") of Zephyr Cove, Nevada. The Commission has also determined not to review the ALJ's Order No. 14 denying complainant's renewed motion to amend the complaint and notice of investigation to add Science Applications International Corporation ("SAIC") as a complainant. The Commission has terminated the investigation.

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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 7, 2011, based on a complaint filed by VirnetX. 76 FR

76435-36. The complaint alleges a violation 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 devices with secure communication capabilities, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent No. 8,051,181 ("the '181 patent"). The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Apple Inc. ("Apple") of Cupertino, California as the sole respondent. No Commission investigative attorney is participating in this investigation.

On April 30, 2012, Apple moved to terminate the investigation based on VirnetX's lack of standing pursuant to Commission rule 210.21(a)(1). VirnetX filed an opposition to the motion.

The ALJ issued the subject ID on July 18, 2012, granting Apple's motion for termination of the investigation. He found that VirnetX does not possess all substantial rights in the '181 patent, and therefore lacks standing to assert the patent in this investigation. On the same date, the ALJ issued Order No. 14 denying VirnetX's renewed motion to amend the complaint and notice of investigation to add SAIC as a complainant. VirnetX petitioned for review of the ALJ's ID and Order No. 14 on July 27, 2012, and Apple filed a response in opposition on August 3, 2012.

Having reviewed the record including the parties' briefing, the Commission has determined not to review the ALJ's ID or Order No. 14, and has terminated the 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 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 CFR 210.21, 210.42(h).

Issued: August 20, 2012.
By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2012-20803 Filed 8-23-12; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with 28 CFR 50.7, notice is hereby given that on August 20, 2012, a Consent Decree in *United States v. Exxon Mobil Corporation, et al.*, C.A. No. 1-08-cv-124-IMK (N.D. W.Va.) was lodged with the United States District Court for the Northern District of West Virginia. The Consent Decree resolves the United States' claims, pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9606 and 9607(a), against Exxon Mobil Corporation, Vertellus Specialties Inc. and CBS Corporation related to the Big John's Salvage Site ("Site"), located in Fairmont, West Virginia. The State of West Virginia is a signatory to the Consent Decree. The BJS Site became contaminated with various hazardous substances as the result of the operations and related waste disposal practices of a coal refinery that operated there between approximately 1933 and 1973, and a scrap and salvage facility that operated there from 1973 to the early 1980s. Under the Consent Decree, the three settling parties will pay a portion of the United States' response costs in the amount of \$11 million, perform/finance the removal activities selected by the Environmental Protection Agency in its Action Memorandum issued on September 30, 2010, and pay EPA's and the State's future response costs, as defined in the Consent Decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed 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 v. Exxon Mobil Corporation, et al.*, Department of Justice No. 90-11-3-08499.

During the comment period, the proposed Consent Decree, with Appendices A-H, may be examined on the following Department of Justice Web site, http://www.usdoj/enrd/Consent_Decrees.html. A copy of the Consent Decree may also be obtained from the Consent Decree Library, P.O. Box 7611,

U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or emailing a request to "Consent Decree Copy" (*EESDCopy.enrd@usdoj.gov*), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$23.25 (25 cents per page production cost) for the Consent Decree without the appendices. Several of the appendices are voluminous and the same cost (25 cents per page) will apply. If one or more of the appendices are requested, fax or email the request to "Consent Decree Copy" as indicated above and provide the requester's contact information to receive the cost of the requested appendices. Make checks payable to the U.S. Treasury or, if by email or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

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

[FR Doc. 2012-20883 Filed 8-23-12; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Fourth Amendment to the Consent Decree Under the Clean Air Act

Notice is hereby given that on August 17, 2012, a proposed Fourth Amendment to Consent Decree was lodged with the United States District Court for the Eastern District of Pennsylvania in *United States of America; Commonwealth of Pennsylvania; City of Philadelphia; State of Oklahoma; and State of Ohio v. Sunoco, Inc.*, Civil Action 05-02866.

The Court entered the Original Consent Decree in this case on March 21, 2006. The Court entered the First Amendment to the Consent Decree on June 3, 2009. On August 31, 2011, the Court entered and approved the Second and Third Amendments to the Consent Decree.

This Fourth Amendment to the Consent Decree proposes four revisions to the consent decree. They are: (1) A transfer of uncompleted or ongoing responsibilities for the Philadelphia Refinery to PES R&M LLC; (2) an extension of the time for achieving final SO₂ and NO_x emissions limits at Philadelphia's 868 FCCU from 2014 until 2016; (3) allowance of the emissions reductions achieved by reaching the final SO₂ and NO_x limits on the 868 FCCU or achieved from the

permanent shut down of the Marcus Hook Refinery (to the extent the Philadelphia and Marcus Hook Refineries are determined to be a single source) to be used as credits or offsets in any PSD, major non-attainment and or minor NSR permits provided that the new or modified units meet BACT; and (4) a requirement to install, operate and maintain fence line monitoring of refinery pollutants.

Sunoco has completed the installation of the WGS and SCR at the Philadelphia 1232 FCCU as required under the Consent Decree. PES R&M LLC will step into the shoes of Sunoco for all injunctive relief requirements that have not yet been fulfilled or that are ongoing. The amendment changes references from "Sunoco" where appropriate to "PES R&M LLC", and changes other references, where there are similar requirements across all refineries, to "PES R&M LLC (with regard to the Philadelphia refinery)."

The publication of this notice opens a period for public comment on the Fourth Amendment to 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; Commonwealth of Pennsylvania; City of Philadelphia; State of Oklahoma; and State of Ohio v. Sunoco, Inc.*, Civil Action 05-02866, Department of Justice No. 90-5-2-1-1744/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted by email to *pubcomment-ees.enrd@usdoj.gov* or mailed to the Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Proposed Fourth Amendment to the Consent Decree may be examined and downloaded for free at the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Proposed Fourth Amendment to the Consent Decree 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 emailing a request to "Consent Decree Copy" (*EESDCopy.ENRD@usdoj.gov*), fax no. (202) 514-0097, phone confirmation number (202) 514-5271. If requesting a copy from the Consent Decree Library by mail, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if requesting by email or fax, forward a check in that amount to

the Consent Decree Library at the address given above.

Robert D. Brook,

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

[FR Doc. 2012-20806 Filed 8-23-12; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0020]

Agency Information Collection Activities; Proposed Collection; Comments Request: Firearms Transaction Record, Part 1, Over-the-Counter

ACTION: 30-Day Notice of Information Collection.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) 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. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 77, Number 122, page 37920 on June 25, 2012, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until September 24, 2012. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202-395-7285. All comments should reference the eight digit OMB number or the title of the collection.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;