

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-803]

### Certain Dynamic Random Access Memory and NAND Flash Memory Devices and Products Containing Same; Commission Determination Not To Review Initial Determinations Terminating the Investigation as to All Remaining Respondents; 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 initial determinations (“IDs”) (Order Nos. 70, 71, and 72) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to all remaining respondents based on settlement and license agreements. The remaining respondents included the following: Acer Inc. of Taipei, Taiwan; Acer America Corp. of San Jose, California; ADATA Technology Co., Ltd. of New Taipei City, Taiwan; ADATA Technology (U.S.A.) Co., Ltd. of Hacienda Heights, California; Asustek Computer Inc. of Taipei City, Taiwan; Asus Computer International Inc. of Fremont, California; Dell, Inc. of Round Rock, Texas; Hewlett-Packard Company of Palo Alto, California; Kingston Technology Co., Inc. of Fountain Valley, California; Logitek International S.A. (“LISA”) of Vaud, Switzerland; Logitech, Inc. of Fremont, California; Best Buy Co., Inc. of Richfield, Minnesota; and Wal-Mart Stores, Inc. of Bentonville, Arkansas (collectively, “the remaining respondents”); Elpida Memory, Inc. of Tokyo, Japan and Elpida Memory (USA) of Sunnyvale, California (collectively, “Elpida”); and SK Hynix Inc. (f/k/a Hynix Semiconductor Inc.) of Gyeonggi-do, Korea and Hynix Semiconductor America, Inc. of San Jose, California (collectively, “Hynix”).

**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 September 7, 2011, based on a complaint filed on behalf of the following complainants: Intellectual Ventures Management, LLC; Invention Investment Fund I, L.P.; Invention Investment Fund II, LLC; Intellectual Ventures I LLC; and Intellectual Ventures II LLC, all of Bellevue, Washington. 76 FR 55417-18. The complaint 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 dynamic random access memory and NAND flash memory devices and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 5,654,932; 5,963,481; 5,982,696; 5,500,819; and 5,687,132. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named twenty-one respondents which included the following: Nanya Technology Corporation of Taoyuan, Taiwan and Nanya Technology Corporation, USA of Santa Clara, California (collectively, “Nanya”); Pantech Co., Ltd. of Seoul, Korea and Pantech Wireless, Inc. of Atlanta, Georgia (collectively, “Pantech”); Elpida; Hynix; Acer Inc.; Acer America Corp.; ADATA Technology Co., Ltd.; ADATA Technology (U.S.A.) Co., Ltd.; Asustek Computer Inc.; Asus Computer International Inc.; Dell, Inc.; Hewlett-Packard Company; Kingston Technology Co., Inc.; LISA; Logitech, Inc.; Best Buy Co., Inc.; and Wal-Mart Stores, Inc.

On December 30, 2011 and July 26, 2012, respectively, the Commission issued notices of its determinations not to review the ALJ’s IDs (Order Nos. 18 and 58) terminating the investigation as to Pantech and Nanya based on settlement agreements. On September 20, 2012, the Commission issued notice of its determination not to review the ALJ’s ID (Order No. 66) granting LISA’s motion for summary determination of non-importation.

On September 20, 2012, Hynix and complainants moved to terminate Hynix from the investigation based on a license agreement. On October 5, 2012, Elpida and complainants moved to terminate the investigation as to Elpida based on a license agreement. Finally, on October 9, 2012, complainants and the remaining respondents moved to terminate the investigation as to the remaining respondents based on settlement agreements. The Commission investigative attorney filed responses supporting each motion. No party opposed the motions.

The ALJ issued the subject IDs (Order Nos. 70, 71, and 72) on November 7 and November 8, 2012, granting the motions for termination of the investigation as to Hynix, Elpida, and the remaining respondents. He found that the motions satisfy Commission rules 210.21(a)(2) and (b)(1). He further found, pursuant to Commission rule 210.50(b)(2), that termination of this investigation as to Hynix, Elpida, and the remaining respondents is in the public interest. No party petitioned for review of the IDs.

The Commission has determined not to review the IDs, 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: December 7, 2012.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2012-30043 Filed 12-12-12; 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 (CERCLA)

On December 6, 2012, the Department of Justice lodged a proposed Consent Decree for Remedial Design/Remedial Action with the United States District Court for the Northern District of Alabama, Eastern Division in the lawsuit entitled *United States of America v. Pharmacia Corporation and Solutia, Inc.*, Civil Action No. 1:02-CV-0749-KOB.

The Consent Decree represents a partial settlement of claims brought by the United States pursuant to the Comprehensive Environmental

Response, Compensation, and Liability Act (CERCLA). The complaint, which was filed on March 25, 2002, contained claims seeking injunctive relief and the recovery of costs incurred by the United States in connection with the release and threatened release of hazardous substances, including polychlorinated biphenyls ("PCBs") in and around Anniston, Alabama.

The proposed Consent Decree requires Defendant to perform the cleanup for OU-3 which is comprised of the real property on which the Defendants' plant, including the adjacent closed South Landfill and the closed West End Landfill, are located. OU-3 covers approximately 138 acres, with the area of current, active manufacturing operations covering approximately 68 acres of this real property. OU-3 is generally bounded to the north by the Northern Southern and Erie Railroads, to the east by Clydesdale Avenue, to the west by and including the West End Landfill and an Alabama Power Company substation, and to the south by and including the South End Landfill and Highway 202.

The selected remedy for OU-3 is soil capping and expanded groundwater extraction. The objectives of the remedial action for soils include: Reducing risks to area workers and trespassers from direct contact with, inhalation of, or incidental ingestion of contaminants of concern; prevent mitigation and leaching of contaminants of concern in subsurface soils; minimize migration of contaminants of concern in surface soil to surface water; and control future releases of contaminants of concern to ensure protection of public health and the environment. The cleanup goal for surface soil is PCBs of 25 ppm which is within the range recommended for industrial sites in the EPA's 1990 "Guidance on Remedial Actions for Superfund Sites with PCB Contamination." EPA selected a cleanup level of 40 ppm for subsurface dioxins and dioxin-like PCBs. Remedial action will be required where sampling within areas of OU-3 show concentrations above the cleanup levels.

With respect to groundwater, the cleanup objectives include: Prevention of exposure to groundwater from direct contact with, inhalation of, and ingestion of contaminants of concern in groundwater above acceptable levels; prevent future migration of contaminated groundwater beyond the existing known limits of the contamination plume; and restore contaminated groundwater throughout each plume. The groundwater remedy includes subsurface and/or groundwater confirmation sampling, execution of an

environmental covenant with the Alabama Department of Environmental Management to restrict land and groundwater use in the OU-3 area; monitoring of wells; optimization and expansion of existing groundwater corrective action, carbon filtration, and institutional controls to ensure long-term effectiveness of the remedy. The Consent Decree further requires the Defendants to reimburse EPA for its oversight of the work performed under the Decree by the Defendants.

The publication of this notice opens a period for public comments on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Pharmacia Corporation and Solutia, Inc.*, D.J. Ref. No. 90-11-2-07135/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments must 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 proposed Consent Decree may be examined and downloaded at this Justice Department Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). We will provide a paper copy of the proposed 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 \$71.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy of the proposed Consent Decree without the exhibits, the cost is \$12.25.

**Henry Friedman,**

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

[FR Doc. 2012-30095 Filed 12-12-12; 8:45 am]

**BILLING CODE 4410-15-P**

**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Middle Class Tax Relief and Job Creation Act of 2012 State Monitoring**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, "Middle Class Tax Relief and Job Creation Act of 2012 State Monitoring," to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*).

**DATES:** Submit comments on or before January 14, 2013.

**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 email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202-395-6881 (this is not a toll-free number), email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov).

**FOR FURTHER INFORMATION:** Contact Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** States must implement the extension of and modifications to the Emergency Unemployment Compensation (EUC) program—including Reemployment Services and Reemployment (RES) and Eligibility Assessment Activities (REA) for recipients of EUC and the work search audit requirement—in accordance with the Middle Class Job Creation and Tax Relief Act of 2012, Title II, Subtitle C and DOL operating instructions. The ETA is responsible for conducting reviews under the EUC, Work Search Audit, and EUC RES/REA