

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-514 and 731-TA-1250 (Preliminary)]

### 53-Foot Domestic Dry Containers From China

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that the establishment of an industry in the United States is materially retarded by reason of imports from China of 53-foot domestic dry containers, provided for in heading 8609.00.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV"), and that are allegedly subsidized by the Government of China.<sup>2</sup>

#### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Commissioners Broadbent and Kieff dissenting.

#### Background

On April 23, 2014, petitions were filed with the Commission and Commerce by Stoughton Trailers, LLC, Stoughton, Wisconsin, alleging that the establishment of a domestic industry is materially retarded and that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of 53-foot domestic dry containers from China. Accordingly, effective April 23, 2014, the Commission instituted countervailing duty Inv. No. 701-TA-514 and antidumping duty Inv. No. 731-TA-1250 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 29, 2014 (79 FR 24005). The conference was held in Washington, DC, on May 14, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 9, 2014. The views of the Commission are contained in USITC Publication 4474 (June 2014), entitled *53-Foot Domestic Dry Containers from China: Investigation Nos. 701-TA-514 and 731-TA-1250 (Preliminary)*.

By order of the Commission.

Issued: June 9, 2014.

**Lisa R. Barton,**  
*Secretary to the Commission.*

[FR Doc. 2014-13815 Filed 6-12-14; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-449 and 731-TA-1118-1121 (Review)]

### Light-Walled Rectangular Pipe From China, Korea, Mexico, and Turkey; Determinations

On the basis of the record<sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines,<sup>2</sup> pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Commissioner Rhonda K. Schmittlein not participating.

revocation of the countervailing duty order on light-walled rectangular pipe and tube from China and the antidumping duty orders on light-walled rectangular pipe and tube from China, Korea, Mexico, and Turkey would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

#### Background

The Commission instituted these reviews on April 1, 2013 (78 FR 19526) and determined on July 5, 2013 that it would conduct full reviews (78 FR 42546, July 16, 2013). Notice of the scheduling of the Commission's reviews and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 3, 2013 (78 FR 74161, December 10, 2013). The hearing was held in Washington, DC, on April 3, 2014, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission completed and filed its determination in these reviews on June 9, 2014. The views of the Commission are contained in USITC Publication 4470 (June 2013), entitled *Light-Walled Rectangular Pipe and Tube from China, Korea, Mexico, Turkey: Investigation Nos. 701-TA-449 and 731-TA-1118-1121 (Review)*.

By order of the Commission.

Issued: June 9, 2014.

**Lisa R. Barton,**  
*Secretary to the Commission.*

[FR Doc. 2014-13816 Filed 6-12-14; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-854 (Enforcement)]

### Certain Two-Way Global Satellite Communication Devices, System and Components Thereof; Issuance of Civil Penalty and Termination of Enforcement Proceeding

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade

<sup>3</sup> Commissioner Meredith M. Broadbent dissenting with respect to imports of light-walled rectangular pipe and tube from Mexico.

Commission has determined to issue a civil penalty order in the amount of \$6,242,500 directed against respondents DeLorme Publishing Company, Inc. and DeLorme InReach LLC (collectively, "DeLorme"), both of Yarmouth, Maine, for a violation of the April 5, 2013, consent order ("the Consent Order").

**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 enforcement proceeding on May 24, 2013, based on an enforcement complaint filed on behalf of BriarTek IP, Inc. ("BriarTek") of Alexandria, Virginia. 78 FR 31576-77. The complaint alleged violations of the Consent Order issued in the underlying investigation by the continued practice of prohibited activities such as selling or offering for sale within the United States after importation accused two-way global satellite communication devices, system, or components thereof that infringe one or more of claims 1, 2, 5, 10-12, and 34 of U.S. Patent No. 7,991,380 ("the '380 patent"). The Commission's notice of institution of enforcement proceeding named DeLorme as respondents. 78 FR 31577. The Office of Unfair Import Investigations was also named as a party. *Id.* Claims 5, 11-12, and 34 have been terminated from the enforcement proceeding.

On March 7, 2014, the presiding administrative law judge ("ALJ") issued an enforcement initial determination ("EID") finding a violation of the Consent Order. The ALJ concluded that, after issuance of the consent order, DeLorme has sold or offered for sale within the United States after importation accused InReach 1.5

devices that infringe, via inducement, claims 1 and 2 of the '380 patent. The ALJ also found no induced infringement and therefore no violation of the Consent Order with respect to accused InReach SE devices. The ALJ also found no induced infringement and therefore no violation of the Consent Order with respect to any accused InReach devices sold before, and activated after, the effective date of the Consent Order. The ALJ also recommended a civil penalty of \$637,500 against DeLorme as an enforcement measure for the violation. On March 20, 2014, BriarTek, DeLorme, and the Commission investigative attorney ("IA") each filed a petition for review of the EID. On March 27, 2014, BriarTek, DeLorme, and the IA each filed a response to opposing petitions.

On April 23, 2014, the Commission issued notice of its determination to review the EID in part, and on review, the Commission determined to reverse-in-part and vacate-in-part the EID's findings. Specifically, the Commission determined not to review the ALJ's finding of a violation of the Consent Order with respect to the infringing InReach 1.5 devices. The Commission also determined to reverse the ALJ's finding of no induced infringement and no violation of the Consent Order with respect to accused InReach SE devices, which resulted in a finding of a violation of the Consent Order with respect to these InReach devices. The Commission also determined to reverse the ALJ's finding of no induced infringement with respect to accused InReach devices that were sold before, and activated after, the effective date of the Consent Order. This action did not change the ALJ's finding of no violation with respect to these InReach devices sold before, and activated after, the effective date of the Consent Order. The Commission further determined to vacate the portion of the ALJ's analysis that relied on *Akamai Techs., Inc. v. Limelight Networks, Inc.*, 692 F.3d 1301, 1305 (Fed. Cir. 2012) (*en banc*), *cert. granted*, *Limelight Networks, Inc. v. Akamai Techs., Inc.*, 134 S. Ct. 895 (2014), to find direct infringement of claims 1 and 2 of the '380 patent through "use" of the claimed system by an end user. The Commission also determined to vacate the portion of the ALJ's analysis concerning specific intent for induced infringement of these claims based on *Akamai*. See EID at 85-86, 92.

The Commission also requested the parties to provide briefing on the amount of the civil penalty to be imposed and on the public interest. On April 30, 2014, BriarTek, DeLorme, and the IA each filed a brief responding to the Commission's request for written

submissions. On May 7, 2014, the parties filed reply briefs.

Having examined the record in this enforcement proceeding, including the EID and the parties' submissions, the Commission has determined to impose a civil penalty of \$6,242,500 on DeLorme for violation of the Consent Order on 227 separate days.

The Commission has terminated the enforcement proceeding. 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: June 9, 2014.

**Lisa R. Barton,**

*Secretary to the Commission.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Respirator Program Records

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, "Respirator Program Records," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before July 14, 2014.

**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 free of charge from the RegInfo.gov Web site at [http://www.reginfo.201311-1219-003gov/public/do/PRAViewICR?ref\\_nbr=201311-1219-003](http://www.reginfo.201311-1219-003gov/public/do/PRAViewICR?ref_nbr=201311-1219-003) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).