

viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 17, 2017, **ORDERED THAT**—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain vacuum cleaning devices and components thereof such as spare parts by reason of infringement of one or more of claims 1-3, 7, 12, and 42 of the '490 patent; claims 1-3, 7, 11, 12, 17, 19, 20, 28, and 34 of the '308 patent; claims 1-3, 7, 8, 10, 11, 14, 15, and 17-19 of the '090 patent; claims 1, 2, 4, 8, 11, 12, 21, 22, and 25 of the '553 patent; claims 1, 10, 11, and 14-16 of the '233 patent; and claims 1, 2, 8, 9, 12, and 13 of the '924 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

iRobot Corporation, 8 Crosby Drive, Bedford, Massachusetts 01730.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Bissell Homecare, Inc., 2345 Walker Ave. NW., Grand Rapids, Michigan 49544.

Hoover Inc., 7005 Cochran Road, Glenwillow, Ohio 44139.

Royal Appliance Manufacturing Co. Inc., d/b/a TTI Floor Care North America, Inc., 7005 Cochran Road, Glenwillow, Ohio 44139.

Bobsweep, Inc., 1121 Bay St., Suite 709, Toronto, Ontario M5S3L9, Canada.

Bobsweep USA, 2360 Corporate Circle, Suite 400, Henderson, Nevada 89074.

The Black & Decker Corporation, 701 E. Joppa Rd., Towson, Maryland 21286.

Black & Decker (U.S.) Inc., 701 E. Joppa Rd., Towson, Maryland 21286.

Shenzhen ZhiYi Technology Co., Ltd., d/b/a iLife, 3rd Floor Bld B, Hytera Technology Park, No. 3, 4th of Baolong Road, Longgang, Shenzhen 518000, China.

Matsutek Enterprises Co., Ltd., 2F, 2, Lane 15 Tzu Chiang Street, New Taipei City, Taiwan 23678.

Suzhou Real Power Electric Appliance Co., Ltd., No 9 Shi Yang Rd, Suzhou New District, Suzhou 215151, China.

Shenzhen Silver Star Intelligent Technology Co., Ltd., Building D, Huiqing Technology Park, DAFU Industrial Area, Guanguang Road, Guanlan Town, Shenzhen, China.

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in the investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-10477 Filed 5-22-17; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-971]

Certain Air Mattress Systems, Components Thereof, and Methods of Using the Same; Commission Final Determination of Violation of Section 337; Issuance of a Limited Exclusion Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("the Commission") has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) ("section 337") by respondents Sizewise Rentals LLC of Kansas City, Missouri; American National Manufacturing Inc. of Corona, California; and Dires LLC and Dires LLC d/b/a Personal Comfort Beds of Orlando, Florida (collectively, "Respondents") in the above-captioned investigation. The Commission has issued a limited exclusion order ("LEO") directed to products of the Respondents and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3115. 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 November 20, 2015, based on a complaint filed by Select Comfort Corporation of Minneapolis, Minnesota and Select Comfort SC Corporation of Greenville, South Carolina (collectively, "Select Comfort," or "Complainants"). 80 FR 72738 (Nov. 20, 2015). 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 air mattress systems, components thereof, and methods of using the same by reason of infringement of certain claims of U.S. Patent Nos. 5,904,172 (“the ‘172 patent”) and 7,389,554 (“the ‘554 patent”). *Id.* In addition to the private parties named as respondents, the Commission named the Office of Unfair Import Investigations as a party in this investigation. *Id.*

Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the Commission ordered that the presiding administrative law judge (“ALJ”):

[S]hall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).

80 FR 72738 (Nov. 20, 2015).

The evidentiary hearing on the question of violation of section 337 was held August 8–12, 2016. The final ID on violation was issued on November 18, 2016. The ALJ issued his recommended determination on remedy, the public interest and bonding on the same day. The ALJ found no violation of section 337 in this investigation. The ALJ recommended that should the Commission find a violation of section 337 in the present investigation, it issue an LEO prohibiting the importation of Respondents’ air controllers and air mattress systems found to infringe the asserted patents. The ALJ also recommended the inclusion of a provision for the ‘554 patent, whereby Respondents could certify that certain imports are not covered by the LEO. The ALJ did not recommend that the Commission issue a cease and desist order in this investigation. The ALJ further recommended a zero bond during the period of Presidential review.

All parties to this investigation filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions.

On December 13, 2016, Respondents filed a “Motion For a Limited Re-Opening of the Record for Consideration of Prior Art Not Identified By Complainants During Discovery.” Both the IA and Complainants filed timely responsive pleadings opposing Respondents’ motion. The Commission has determined to deny Respondents’ motion to re-open the record.

On December 19, 2016, both Complainants and Respondents filed their respective Public Interest Statement pursuant to 19 CFR 210.50(a)(4). Responses from the public were likewise received by the Commission pursuant to notice. *See* Notice of Request for Statements on the Public Interest (Nov. 29, 2016).

The Commission determined to review various portions of the final ID and issued a Notice to that effect dated January 23, 2017 (“Notice of Review”). 82 FR 8623 (Jan. 27, 2017). In the Notice of Review, the Commission also set a schedule for the filing of written submissions on the issues under review, including certain questions posed by the Commission, and on remedy, the public interest, and bonding. The parties have briefed, with initial and reply submissions, the issues under review and the issues of remedy, the public interest, and bonding.

Having examined the record in this investigation, including the parties’ submissions filed in response to the Notice of Review, the Commission has determined as follows:

(1) To reverse (a) the ID’s finding that Respondents’ P5000, P6000, and Arco products do not meet the “guides” and “stops” limitation of claim 2 of the ‘172 patent; (b) the ID’s finding that the Gen 3 Arco and Platinum 5000/6000 controllers do not meet the “guides” and “stops” limitation of claim 12 of the ‘172 patent; and (c) the ID’s finding that the Gen 3 Arco and Platinum 5000/6000 controllers do not infringe claim 12 of the ‘172 patent;

(2) To affirm the ID’s finding that the ‘172 Accused Products do not meet the claim limitation “pressure monitor means being operably coupled to the processor and being in fluid communication with the at least one bladder for continuously monitoring the pressure in the at least one bladder” in claims 2, 6, 20, 22, and 24 of the ‘172 patent;

(3) To (a) modify the ID’s finding that the ‘172 Accused Products do not infringe claim 9 of the ‘172 patent by striking the words “For the reasons stated above in the discussion of claim 2” in the first full paragraph on page 23 of the ID and, instead, find that the Accused Products do not meet the “continuously monitoring” limitation of claim 9 and therefore do not infringe claim 9 for the reasons detailed in the accompanying Commission Opinion; and (b) affirm the ID’s finding of no induced infringement of claim 9 of the ‘172 patent;

(4) To take no position on the ID’s discussion in the last paragraph on page 20 and the first paragraph on page 21 of

the ID. *See Beloit Corporation v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir.1984) (“*Beloit*”);

(5) To modify the ID’s finding regarding non-infringement of claim 16 of the ‘554 patent by striking the words “For the reasons stated above in the discussion of claim 1,” in the fourth paragraph on page 70 of the ID and instead find that the ‘554 Accused Products do not meet the “air posturizing sleep surface” limitation of claim 16 and therefore do not infringe claim 16 for the reasons detailed in the accompanying Commission Opinion;

(6) To reverse the ID’s determination that the ‘554 Domestic Industry Products do not practice the ‘554 patent and thus do not satisfy the technical prong of the domestic industry requirement with respect to the ‘554 patent and, instead, determine that for the reasons detailed in the accompanying Commission Opinion, Complainants have satisfied the technical prong with respect to the ‘554 patent based only on the U15 and U11 products practicing claim 16 of the ‘554 patent;

(7) To take no position on the ID’s determination on whether Complainants satisfied the economic prong with regard to the ‘554 patent. *See Beloit*, 742 F.2d at 1423.

(8) To reverse the ID’s determination regarding the economic prong of the domestic industry requirement with respect to the ‘172 patent, and find that the economic prong of the domestic industry requirement is satisfied for the ‘172 patent.

Accordingly, the Commission finds that there is a violation of section 337 with respect to the ‘172 patent in this investigation. The Commission has determined that the appropriate relief in this investigation includes an LEO prohibiting the unlicensed entry of infringing air mattress systems, components thereof, and methods of using the same that are covered by claims 12 or 16 of the ‘172 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of Respondents, or their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the LEO. Finally, the Commission has determined that the amount of a bond should be set to zero (0) percent of entered value during the period of Presidential review (19 U.S.C. 1337(j)). The Commission’s order was delivered to the President and the

United States Trade Representative on the day of its issuance.

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: May 17, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017-10476 Filed 5-22-17; 8:45 am]

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DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 5-17]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

WEDNESDAY, MAY 31, 2017: 10:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616-6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2017-10665 Filed 5-19-17; 4:45 pm]

BILLING CODE 4410-BA-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 17, 2017, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of Texas in the lawsuit entitled *United States and State of Texas v. Vopak Terminal Deer Park Inc. and Vopak Logistics Services USA Inc.*, Civil Action No. 4:17-cv-1518.

In this action, the United States, on behalf of the U.S. Environmental Protection Agency, together with the State of Texas, filed a Complaint and proposed Consent Decree pertaining to Clean Air Act violations at a bulk chemical storage tank facility located on the Houston Ship Channel that is owned and operated by Vopak Terminals North America Inc. and Vopak Logistic Services USA Inc. (collectively, "Vopak"). In the joint Complaint, the U.S. and the State of Texas allege violations of (1) the New Source Performance Standards ("NSPS") requirements under Section 111 of the Clean Air Act ("CAA") and the implementing regulations, promulgated at 40 CFR part 60, subparts A, Ka, and Kb; (2) the National Emission Standards for Hazardous Air Pollutants requirements under Section 112 of the CAA, 42 U.S.C. 7412, and the implementing regulations promulgated at 40 CFR part 63, subparts A, DD, and EEEE; (3) the operating permit requirements of Title V of the CAA, and the implementing regulations; (4) the federally enforceable Texas State Implementation Plan; and (5) the Facility's operating permit, issued by the Texas Commission on Environmental Quality.

Under the proposed settlement, Vopak agrees to pay \$2.5 million in civil penalties, split evenly between the United States and the State of Texas and \$40,000 in attorney's fees to the State of Texas. In addition, the settlement requires Vopak to implement a range of injunctive relief measures, including: (1) Constructing and operating a flare and other emission controls at its wastewater treatment system; (2) implementing an advanced tank inspection program at its tank terminal; (3) engaging a third party auditor to review Vopak's waste minimization practices and to monitor Vopak's compliance with the settlement; and (4) undertaking various other measures to bring the facility into compliance with the Clean Air Act.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Texas v. Vopak Terminal Deer Park Inc. and Vopak Logistics Services USA Inc.*, Civil Action No. 4:17-cv-1518, D.J. Ref. No. 90-5-2-1-11406. 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:

| <i>To submit comments:</i> | <i>Send them to:</i> |
|----------------------------|---|
| By email | <i>pubcomment-ees.enrd@usdoj.gov.</i> |
| 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 Web site: <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 \$24.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Thomas P. Carroll,

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

[FR Doc. 2017-10467 Filed 5-22-17; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Innovation and Opportunity Act (WIOA) 2017; Lower Living Standard Income Level (LLSIL)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: Title I of the Workforce Innovation and Opportunity Act (WIOA) requires the U.S. Secretary of Labor (Secretary) to update and publish the LLSIL tables annually, for uses described in the law (including determining eligibility for youth). WIOA defines the term "low income individual" as one who qualifies under various criteria, including an individual in a family with total family income for a six-month period that does not exceed the higher level of the poverty line or 70 percent of the LLSIL. This issuance provides the Secretary's annual LLSIL for 2017 and references the current 2017 Health and Human Services "Poverty Guidelines."

DATES: This issuance is effective May 23, 2017.

For Further Information or Questions on LLSIL: Please contact Samuel Wright,