

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1353]

### Certain Pick-Up Truck Folding Bed Cover Systems And Components Thereof (III) Institution of Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 19, 2023, under section 337 of the Tariff Act of 1930, as amended, on behalf of Extang Corporation of Ann Arbor, Michigan; Laurmark Enterprises, Inc. of Ann Arbor, Michigan; and UnderCover, Inc. of Rogersville, Missouri. Supplements were filed on January 23, 2023, and February 9, 2023. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pick-up truck folding bed cover systems and components thereof by reason of the infringement of certain claims of U.S. Patent No. 7,188,888 (“the ‘888 patent”); U.S. Patent No. 7,484,788 (“the ‘788 patent”); U.S. Patent No. 8,061,758 (“the ‘758 patent”); U.S. Patent No. 7,537,264 (“the ‘264 patent”); U.S. Patent No. 8,182,021 (“the ‘021 patent”); U.S. Patent No. 8,690,224 (“the ‘224 patent”); and U.S. Patent No. 9,815,358 (“the ‘358 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

#### SUPPLEMENTARY INFORMATION:

*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 (2022).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on February 17, 2023, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation is 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 products identified in paragraph (2) by reason of infringement of one or more of claim 11 of the ‘888 patent; claims 1–3 of the ‘788 patent; claims 2–4 of the ‘758 patent; claims 1, 5–11, 13–15, and 25 of the ‘264 patent; claims 1–35 of the ‘021 patent; claims 1–10 of the ‘224 patent; and claims 1–3 of the ‘358 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “multi-panel folding cover systems that rest either on sides of pick-up truck beds or on rails placed on the insides of pick-up trucks beds, including components of such systems such as clamps and rails used to attached folding bed covers to pick-up truck beds”;

(3) 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 complainants are:

Extang Corporation, 5400 S. State Road, Ann Arbor, Michigan 48108  
Laurmark Enterprises, Inc., d/b/a BAK Industries, 5400 Data Court, Ann Arbor, Michigan 48108  
UnderCover, Inc., 59 Absolute Drive, Rogersville, Missouri 65742

(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:

4 Wheel Parts, 400 W. Artesia Blvd., Compton, CA 90220  
American Trucks, 17700 College Blvd., Lenexa, KS 66219  
Auto Dynasty, a/k/a Shun Fung Int’l Inc., 803 S. Sentous Ave., Suite C, City of Industry, CA 91748  
AUTOSTARLAND Technology (US), Inc., 1660 Iowa Ave., Unit 200, Riverside, CA 92507  
DNA Motoring, 801 Sentous Ave., City of Industry, CA 91748  
Fanciest Pickup Accessories, 1660 Iowa Ave., Unit 200, Riverside, CA 92507  
Future Trucks, a/k/a Future Trading Company, LLC, 4510 W 34th Street, Houston, TX 77092  
Ikon Motorsports, Inc., 15305 Stafford St., City of Industry, CA 91744  
Jiaxing Kscar Auto Accessories Co., Ltd., a/k/a KSC Auto, Floor 3, Bldg 7, 285 Duguang Hwy., Dushangang Town, Pinghu City, Zhejiang, China, 314207  
Kiko Kikito, Room 312 Building 2, Wuyue Plaza, Anyang Street, Ruian City, Wenzhou, Zhejiang, 325200, China  
Lyon Cover Auto, a/k/a Truck Tonneau Covers, F09-14 Wan Yan Zhong Chuang Cheng, 9 Yangyu Road, Pingyang County, Binhai New, District, Wenzhou City, Zhejiang Province, 325400, China  
Mamoru Cover, a/k/a Ningbo Surpass Auto Parts Co., Ltd., NO.65 Chongshou Ave., Chongshou Industry Zone, Cixi, Ningbo City, Zhejiang, 315334 China  
MOSTPLUS Auto, Room 2105 WZ2389 Rend Centre, 29-31 Cheung Lee Street, Chai Wan, Hong Kong, 32500, China  
Newpowa America, Inc., 3633 Inland Empire Blvd., Suite 600, Ontario, CA 91764  
New Home Materials, Inc., 1815 Rustin Avenue, Suite H, Riverside, CA 92507  
OEDRO, 18220 80th Place South, Kent, WA 98032  
Pickup Zone, a/k/a Dai Qun Feng, 1660 Iowa Ave., Unit 200, Riverside, CA 92507  
RDJ Trucks, LLC, 2005 Mountain Creek Church Road, Talmo, GA 30575  
Smittybilt, Inc., 400 W. Artesia Blvd., Compton, CA 90220  
Trek Power, Inc., 1683 Sierra Madre Circle, Placentia, CA 92870  
Wenzhou Tianmao Automobile Parts Co., Ltd., No. 14 Wanyang Zhongchuang, No. 9 Yangyu Road, Binhai New Area, Wenzhou, Zhejiang, China, 325410  
(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and  
(4) For the investigation so instituted, the Chief Administrative Law Judge,

U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

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), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants 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: February 21, 2023.

**Lisa Barton,**

*Secretary to the Commission.*

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**BILLING CODE 7020-02-P**

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## OFFICE OF MANAGEMENT AND BUDGET

### Discount Rates for Cost-Effectiveness Analysis of Federal Programs

**AGENCY:** Office of Management and Budget.

**ACTION:** Revisions to Appendix C of OMB Circular No. A-94.

**SUMMARY:** The Office of Management and Budget (OMB) revised Circular No. A-94 in 1992. With that action, OMB specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the Budget of the United States Government were changed. These updated discount rates are found in Appendix C of the Circular and are to be used for cost-effectiveness analysis,

including lease-purchase analysis, as specified in the revised Circular. These rates do not apply to regulatory analysis.

The revised Circular can be accessed at <https://www.whitehouse.gov/wp-content/uploads/2023/02/Appendix-C.pdf>.

**DATES:** The revised discount rates will be in effect through December 2023.

**FOR FURTHER INFORMATION CONTACT:** Jamie Taber, Office of Economic Policy, Office of Management and Budget, 202-395-2515, [a94@omb.eop.gov](mailto:a94@omb.eop.gov).

**Zachary Liscow,**

*Associate Director for Economic Policy, Office of Management and Budget.*

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**BILLING CODE 3110-01-P**

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 23-010]

### New Conflict of Interest and Conflict of Commitment Policy for Recipients of NASA Financial Assistance Awards

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comment; extension of comment period.

**SUMMARY:** To address undue foreign influence in NASA-supported research and ensure responsible stewardship of taxpayer dollars, NASA has developed a new conflict of interest (COI) and conflict of commitment (COC) disclosure policy and an associated term and condition applicable to entities implementing NASA financial assistance awards that will be implemented in NASA's Grant and Cooperative Agreement Manual (GCAM). Therefore, the Agency is soliciting public comment on this new policy. This notice extends the public comment due date.

**DATES:** The comment period for the notice published January 30, 2023, at 88 FR 5930, is extended. Comments should be received on or before March 31, 2023.

**ADDRESSES:** Please address comments to Christopher Murguia, Senior Analyst, National Aeronautics and Space Administration Headquarters, 300 E Street SW, Rm. 5L32, Washington, DC 20546; telephone 202-909-5918; or email [christopher.e.murguia@nasa.gov](mailto:christopher.e.murguia@nasa.gov). We encourage respondents to submit comments via email to ensure timely receipt. We cannot guarantee that mailed comments will be received before the comment closing date. Please include "COI/COC Policy" in the subject line of email messages.

### FOR FURTHER INFORMATION CONTACT:

Christopher Murguia, email: [christopher.e.murguia@nasa.gov](mailto:christopher.e.murguia@nasa.gov); telephone 202-909-5918.

**SUPPLEMENTARY INFORMATION:** In response to U.S. Government Accountability Office (GAO) recommendations in the report GAO-21-130, *Federal Research: Agencies Need to Enhance Policies to Address Foreign Influence*, NASA is taking steps to address undue foreign influence in research and ensure responsible stewardship of taxpayer dollars. NASA is implementing new policy that requires financial assistance award recipients to (1) maintain written and enforced policies that require covered individuals to disclose COI and COC to the recipient entity; (2) eliminate or, where appropriate, manage or reduce the disclosed conflict; and (3) disclose to NASA any conflict that cannot be eliminated, managed, or reduced. NASA's policy also describes how the Agency will address disclosures and the enforcement actions the Agency may take if a covered individual knowingly fails to disclose required information. The policy is accompanied by a term and condition requiring award recipients to comply with the COI and COC disclosure requirements that will be placed into all NASA financial assistance awards after the policy is implemented.

Specifically, the policy will be implemented as a revision to the GCAM section 3.3, Conflicts of Interest Policy, and the term and condition will be implemented as an addition to NASA's standard grant and cooperative agreement terms and conditions template located in the GCAM, Appendix D, Award Terms and Conditions. The full text of the policy and term and condition is provided below and the GCAM can be accessed at [https://www.nasa.gov/sites/default/files/atoms/files/grant\\_and\\_cooperative\\_agreement\\_manual\\_-\\_oct\\_2022\\_0.pdf](https://www.nasa.gov/sites/default/files/atoms/files/grant_and_cooperative_agreement_manual_-_oct_2022_0.pdf).

The GCAM, section 3.3, Conflicts of Interest Policy, will be revised in its entirety as follows:

1. For the purposes of section 3.3, the following definitions apply:

a. The term "conflict of interest," or "COI," means a situation in which an individual, or the individual's spouse or dependent children, has a significant financial interest or financial relationship, whether with a domestic or foreign entity, that could directly and significantly affect the design, conduct, reporting, or funding of research or other award-related activities. Examples of potential COI include, but are not