

Herkimer County

Camp Veery, 100 Echo Island, Eagle Bay,
SG100009171

Rockland County

JOHN D. MCKEAN (fireboat), Panco
Petroleum Dock, 23 Grassy Point Rd.,
Stony Point, SG100009157

Schenectady County

Clark Witbeck Co. Warehouse, 132–136
Broadway, Schenectady, SG100009168

St. Lawrence County

Halfway House, 4365 NY 68, Lisbon,
SG100009167

Sullivan County

All Souls' Church Summer Camp Historic
District, 221 O'Keefe Hill Rd., Parksville,
SG100009170

OHIO**Cuyahoga County**

Arnold Wooden Ware Co.-Arnold Wholesale
Corp. Building, 5207 Detroit Ave.,
Cleveland, SG100009173

SOUTH CAROLINA**Lexington County**

St. Michael's Evangelical Lutheran Church,
(Lexington County MRA), North of SC 38,
Irmo, 83004664

UTAH**Salt Lake County**

Fitzgerald, Perry and Agnes, House and
Cabin (Boundary Decrease), (Draper, Utah
MPS), 1160 East Pioneer Ave., Draper,
BC100009193

WISCONSIN**Oneida County**

Texaco Service Station, 329 Front St.,
Minocqua, SG 100009186

WYOMING**Carbon County**

Nichols, Lora Webb, House, 808 Winchell
Ave., Encampment, SG100009172
Additional documentation has been
received for the following resources:

MICHIGAN**Wayne County**

Second Baptist Church of Detroit (Additional
Documentation), 441 Monroe St., Detroit,
AD75000970

NEW HAMPSHIRE**Strafford County**

New Durham Meetinghouse and Pound
(Additional Documentation), Old Bay Rd.,
New Durham, AD80000312

NEW YORK**Delaware County**

Lordville Presbyterian Church (Additional
Documentation), (Upper Delaware Valley,
New York and Pennsylvania MPS),
Lordville Rd., Lordville, AD00000052

Ulster County

Lake Mohonk Mountain House Complex
(Additional Documentation), NW of New
Paltz, between Wallkill Valley and
Roundout Valley, New Paltz, AD73001280

OHIO**Montgomery County**

Steele's Hill-Grafton Hill Historic District
(Additional Documentation), Roughly
bounded by Grand, Plymouth, Forest, and
Salem, Dayton, AD86001237
Nominations submitted by Federal
Preservation Officers:
The State Historic Preservation Officer
reviewed the following nominations and
responded to the Federal Preservation Officer
within 45 days of receipt of the nominations
and supports listing the properties in the
National Register of Historic Places.

ALASKA

Lake and Peninsula Borough, Snipe Lake
Archeological District, Address Restricted,
Port Alsworth vicinity, SG100009152
Chilikadrotna Headwaters Archeological
District, Address Restricted, Port Alsworth
vicinity, SG100009155

MISSISSIPPI**Lee County**

Chokkilissa'-Old Town, Address Restricted,
Tupelo vicinity, SG100009154

Authority: Section 60.13 of 36 CFR
part 60.

Dated: June 22, 2023.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2023–14136 Filed 7–3–23; 8:45 am]

BILLING CODE 4312–52–P

**INTERNATIONAL TRADE
COMMISSION**

[USITC SE–23–031]

Sunshine Act Meetings

AGENCY HOLDING THE MEETING: United
States International Trade Commission.

TIME AND DATE: July 10, 2023 at 11 a.m.

PLACE: Room 101, 500 E Street SW,
Washington, DC 20436, Telephone:
(202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes.
3. Ratification List.
4. Commission vote on Inv. Nos. 731–
TA–1334–1337 (Review) (Emulsion
Styrene-Butadiene Rubber (ESBR) from
Brazil, Mexico, Poland, and South
Korea). The Commission currently is
scheduled to complete and file its
determination and views on July 27,
2023.
5. Outstanding action jackets: none.

CONTACT PERSON FOR MORE INFORMATION:
Sharon Bellamy, Acting Supervisory
Hearings and Information Officer, 202–
205–2000.

The Commission is holding the
meeting under the Government in the
Sunshine Act, 5 U.S.C. 552(b). In
accordance with Commission policy,
subject matter listed above, not disposed
of at the scheduled meeting, may be
carried over to the agenda of the
following meeting.

By order of the Commission:

Issued: June 29, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023–14221 Filed 6–30–23; 11:15 am]

BILLING CODE 7020–02–P

**INTERNATIONAL TRADE
COMMISSION**

[Investigation No. 337–TA–1294]

**Certain High-Performance Gravity-Fed
Water Filters and Products Containing
the Same; Commission Determination
To Review in Part a Final Initial
Determination Finding a Violation of
Section 337; Request for Written
Submissions on Issues Under Review
and on Remedy, the Public Interest,
and Bonding; Extension of the Target
Date**

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that
the U.S. International Trade
Commission (“Commission”) has
determined to review in part a final
initial determination (“ID”) of the
presiding administrative law judge
(“ALJ”), finding a violation of section
337. The Commission requests written
submissions from the parties on the
issues under review and submissions
from the parties, interested government
agencies, and other interested persons
on the issues of remedy, the public
interest, and bonding, under the
schedule set forth below. The
Commission has determined to grant
Respondents’ motion for leave to file a
notice of supplemental authority and to
extend the target date for completion of
this investigation to September 19,
2023.

FOR FURTHER INFORMATION CONTACT:
Panyin A. Hughes, Office of the General
Counsel, U.S. International Trade
Commission, 500 E Street SW,
Washington, DC 20436, telephone (202)
205–3042. Copies of non-confidential
documents filed in connection with this
investigation may be viewed on the

Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On January 31, 2022, the Commission instituted this investigation based on a complaint filed by Brita LP ("Brita") of Neuchatel NE, Switzerland. 87 FR 4913 (Jan. 31, 2022). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain high-performance gravity-fed water filters and products containing the same by reason of infringement of claims 1-6, 20, 21, 23, and 24 of U.S. Patent No. 8,167,141 ("the '141 patent"). *Id.* The Commission's notice of investigation named nine respondents: Mavea LLC of West Linn, Oregon and Brita GmbH of Taunusstein, Switzerland (collectively, "the Mavea Respondents"); Ecolife Technologies, Inc. of City of Industry, California and Qingdao Ecopure Filter Co., Ltd. of Shandong Province, China (collectively, "the Aqua Crest Respondents"); Kaz USA, Inc. and Helen of Troy Limited, both of El Paso, Texas (collectively, "PUR Respondents"); Zero Technologies, LLC of Trevoise, Pennsylvania; Culligan International Co. of Rosemont, Illinois (collectively, "ZeroWater Respondents"); and Vestergaard Frandsen Inc. of Baltimore, Maryland ("LifeStraw"). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On May 3, 2022, the ALJ issued an ID granting a motion to terminate the investigation as to the Mavea Respondents based upon settlement. Order No. 13 (May 3, 2022), *unreviewed* by Comm'n Notice (May 24, 2022).

On June 1, 2022, the ALJ issued an ID granting a motion to terminate the investigation as to claims 20, 21, and 24 of the '141 patent based upon withdrawal of the allegations in the complaint as to these claims. Order No. 19 (June 1, 2022), *unreviewed* by Comm'n Notice (June 21, 2022).

On June 2, 2022, the ALJ held a *Markman* hearing. The ALJ issued a *Markman* Order construing the claim

terms in dispute on July 20, 2022. Order No. 30 (July 20, 2022).

On September 22, 2022, the ALJ issued an ID granting a motion to terminate the investigation as to the Aqua Crest Respondents based upon withdrawal of the allegations in the complaint as to these respondents. Order No. 43 (Sept. 22, 2022), *unreviewed* by Comm'n Notice (Oct. 11, 2022).

The ALJ held an evidentiary hearing from August 17-19, August 22-23, and October 13, 2022, and received post-hearing briefs thereafter.

On February 28, 2023, the ALJ issued the final ID finding a violation of section 337. The ID found that "because of importation stipulations of all Accused Products," the importation requirement under 19 U.S.C. 1337(a)(1)(B) is satisfied. ID at 12-13. The ID also found that Brita successfully proved that all of the Accused Products infringe the asserted claims of the '141 patent (claims 1-6 and 23). *Id.* at 69-105. The ID further found that Respondents failed to show by clear and convincing evidence that the asserted claims are invalid for lack of written description (*Id.* at 169-204), enablement (*Id.* at 205-250), anticipation (*Id.* at 153-169), or for reciting ineligible subject matter under 35 U.S.C. 101 (*Id.* at 250-269). Finally, the ID found that Brita proved the existence of a domestic industry that practices the '141 patent as required by 19 U.S.C. 1337(a)(2). *Id.* at 105-117, 269-285.

The ID included the ALJ's recommended determination on remedy and bonding ("RD"). The RD recommended, should the Commission find a violation, issuance of a limited exclusion order against all respondents and cease and desist orders against the PUR Respondents and LifeStraw. ID/RD at 258-291. The RD also recommended imposing a bond in the amount of one hundred percent (100%) of entered value for PUR's and ZeroWater's infringing products imported during the period of Presidential review and \$6 per unit for infringing LifeStraw products imported during the period of Presidential review. *Id.* at 291-295.

On March 13, 2023, Respondents and Brita filed respective petitions for review of the ID. On March 21, 2023, the parties filed responses to the petitions.

On May 24, 2023, Respondents moved for leave to file notice of supplemental authority regarding their petition for review. Specifically, Respondents seek to submit the recent U.S. Supreme Court decision in *Amgen Inc. v. Sanofi*, No. 21-757 (May 18, 2023), as being directly relevant to the lack of enablement of the asserted claims in this investigation.

The Commission has determined to grant the motion and accept the filing.

Having reviewed the record of the investigation, including the final ID, the parties' submissions to the ALJ, the petitions for review, and the responses thereto, the Commission has determined to review in part the final ID.

Specifically, the Commission has determined to review the following findings: (1) construction of the claim term "filter usage lifetime claimed by a manufacturer or seller of the filter," (2) written description, (3) enablement, (4) section 101, (5) anticipation, and (6) the economic prong of the domestic industry requirement.

In connection with its review, the Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

(1) Discuss whether the construction of the claim term "filter usage lifetime claimed by a manufacturer or seller of the filter" to mean "[t]he total number of gallons of water that a manufacturer or seller has validated can be filtered before the filter is replaced," (Order No. 30 at 14), impermissibly deviates from the plain language of the claims. Further, discuss whether the foregoing construction requires the reading of one or more limitations from the specification into the claim in order to find the limitation not invalid for indefiniteness. *See, e.g.*, '141 patent at col. 26:14-15.

(2) Discuss the effect of the recent Supreme Court decision, *Amgen Inc. v. Sanofi*, No. 21-757 (May 18, 2023), on the ID's enablement and written description findings.

(3) Discuss whether a person of ordinary skill in the art would understand how to use filter types other than carbon block (e.g., mixed media, hollow fibers, membranes, nonwovens, depth media, nanoparticles and nanofibers, and ligands (JX-0022 at 25:9-12, 26:30-37)) to achieve a FRAP factor below 350 as of the priority date of the '141 patent.

(4) Discuss the predictability of the technology at issue and, in particular, how predictably these other filter types were expected to perform in terms of the FRAP factor as compared to the carbon block arrangement described in the specification as of the priority date of the '141 patent.

(5) Discuss whether a person of ordinary skill in the art as of the priority date of the '141 patent could have readily manipulated the FRAP factor variables of volume V, average filtration unit time f, effluent lead concentration c_e, and lifetime L for any of the other

filter materials named in the specification to achieve FRAP factor below 350. For example, if the manufacturer were to reduce only the volume V of a given filter, or if the manufacturer or seller were to claim a longer lifetime L for a given filter, would that correspondingly reduce the FRAP factor without affecting (or at least unpredictably affecting) the other variables? See JX-022 at 26:41–49, Figs. 21–23.

(6) If it was possible to predictably determine the FRAP factor for non-carbon block filter types as of the priority date of the '141 patent, explain why it took Brita ten years and 7,326 hours of research and development to design a nonwoven filter that practices the '141 patent. See ID at 213 n.77; Tr. (Freeman) at 1562:18–1563:6. Is Brita's research and development effort with respect to its non-woven filter DI products indicative of the experimental time and effort needed to develop filters other than the carbon block arrangement described in the specification?

The parties are invited to brief only these discrete questions. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S.

production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation. In particular, the Commission requests that the parties respond to the statements on the public interest received from the various third parties.

In addition, the Commission requests specific briefing to address the following questions relevant to the public interest considerations in this investigation, and responses are encouraged to include evidence in support of their statements:

(1) Please identify whether any reasonable substitutes for the Accused Products are available to consumers and whether they are capable of meeting any public health and welfare concerns raised by any remedial relief in this investigation. Is or would there be sufficient supply of any such reasonable substitutes for the Accused Products?

(2) Are the identified reasonable substitutes capable of filtering Per- and polyfluoroalkyl substances (PFAS) chemicals in drinking water and how effective are they in doing so in relation to the accused products' capability of filtering PFAS in drinking water?

(3) Do the identified reasonable substitutes meet or exceed the following standards: NSF P231/US EPA (bacteria and parasites); NSF 53 (pesticides, herbicides, lead and other heavy metals); NSF 42 (chlorine); NSF 473 (PFAS); and NSF 401 (emerging chemical contaminants)? How does this compare to the accused products' performance with respect to these standards? Please discuss the impact, if any, on the public health and welfare of water filters not meeting these standards and please submit and discuss any studies, data, or other evidence that shows an impact on the public health and welfare.

(4) Is there any production of like or directly competitive products in the United States and how would such production be impacted by any remedial relief?

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and

prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

Written Submissions: Parties to the investigation are requested to file written submissions on the questions identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation.

The initial written submissions and proposed remedial orders must be filed no later than close of business on July 14, 2023. Reply submissions must be filed no later than the close of business on July 21, 2023. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. Opening submissions are limited to 60 pages. Reply submissions are limited to 30 pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337-TA-1294) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be

treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission has determined to extend the target date for completion of this investigation from June 28, 2023 to September 19, 2023.

The Commission vote for this determination took place on June 28, 2023.

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 28, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-14126 Filed 7-3-23; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-1359 (Review)]

Carton-Closing Staples from China; Termination of Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission instituted the subject five-year review on April 3,

2023 to determine whether revocation of the antidumping duty order on carton-closing staples from China would be likely to lead to continuation or recurrence of material injury. On June 22, 2023, the Department of Commerce published notice that it was revoking the order effective May 8, 2023, because no domestic interested party filed a timely notice of intent to participate. Accordingly, the subject review is terminated.

DATES: May 8, 2023 (effective date of revocation of the order).

FOR FURTHER INFORMATION CONTACT: Andres Andrade (202-205-2078), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. 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 (<https://www.usitc.gov>).

Authority: This review is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). This notice is published pursuant to § 207.69 of the Commission's rules (19 CFR 207.69).

By order of the Commission.

Issued: June 29, 2023.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2023-14173 Filed 7-3-23; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Prohibited Transaction Exemption 2023-15; Exemption Application No. D-12075]

Exemption From Certain Prohibited Transaction Restrictions Involving Pacific Investment Management Company LLC (PIMCO or the Applicant) Located in Newport Beach, California

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of exemption.

SUMMARY: This document contains a notice of exemption issued by the

Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This exemption allows certain asset managers with specified relationships to PIMCO (the PIMCO Affiliated QPAMs) to continue to rely on the exemptive relief provided by Prohibited Transaction Class Exemption 84-14 (PTE 84-14 or the QPAM Exemption), notwithstanding the judgment of conviction against Allianz Global Investors US LLC (AGI US) for one count of securities fraud (the AGI US Conviction), as described below. This exemption does not grant any relief to AGI US. AGI US submitted an exemption request to the Department (D-12074), which it subsequently withdrew. The Department did not grant any relief to AGI US pursuant to its application or as part of this exemption.

DATES: The exemption will be in effect for a period of five years beginning on the date of the AGI US Conviction, as defined below.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department at (202) 693-8456. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On March 28, 2023, the Department published a notice of proposed exemption in the **Federal Register**¹ permitting the PIMCO Affiliated QPAMs to continue to rely on the exemptive relief provided by the QPAM Exemption² for a period of five years, notwithstanding the judgment of conviction against PIMCO's affiliate, AGI US, for one count of securities fraud.³ The Department is granting this exemption to ensure that the participants and beneficiaries of ERISA-covered Plans and IRAs managed by the PIMCO Affiliated QPAMs (together, Covered Plans) are protected. This exemption provides only the relief specified in the text of the exemption and does not provide relief from violations of any law other than the prohibited transaction provisions of

¹ 88 FR 18333 (March 28, 2023).

² 49 FR 9494 (March 13, 1984), as corrected at 50 FR 41430 (October 10, 1985), as amended at 70 FR 49305 (August 23, 2005), and as amended at 75 FR 38837 (July 6, 2010).

³ Section I(g) of PTE 84-14 generally provides that "[n]either the QPAM nor any affiliate thereof . . . nor any owner . . . of a 5 percent or more interest in the QPAM is a person who within the 10 years immediately preceding the transaction has been either convicted or released from imprisonment, whichever is later, as a result of" certain crimes.