

Hesai filed petitions for *inter partes* review before the Patent Trial and Appeal Board with respect to two of the patents at issue in this investigation. On September 14, 2023, Hesai and OUII filed their responses to Ouster’s notice of recent developments.

The Commission has determined to review and, on review, to affirm the subject ID with modification. In particular, the Commission strikes the “wholly groundless” legal standard discussion and analysis at pages 11–12 and 16 of the subject ID, including the following statements: (1) “[T]he ALJ then must make a secondary inquiry to determine whether the assertion of arbitrability is ‘wholly groundless.’ If it is determined that the assertion of arbitrability is not ‘wholly groundless.’” ID at 11. (2) “Therefore, Hesai’s claim for arbitration is not ‘wholly groundless.’” ID at 11–12. (3) “In other words, the demand for arbitration is ‘not wholly groundless.’” ID at 16. The Supreme Court previously overruled the “wholly groundless” exception, holding that “[w]hen the parties’ contract delegates the arbitrability question to an arbitrator, a court may not override the contract . . . even if the court thinks that the argument that the arbitration agreement applies to a particular dispute is wholly groundless . . . In sum, we reject the ‘wholly groundless’ exception.” *Henry Schein, Inc. v. Archer & White Sales, Inc.*, 139 S. Ct. 524, 529–31 (2019).

The Commission also addresses a typographical error at page 10 of the subject ID by modifying “*See id.* at ¶ 9.5” to state “*See id.* at ¶ 9.4.” This is a citation for the sentence in the subject ID that states “[t]he Choice of Law for purposes of construing the Settlement Agreement is designated as California law,” and Section 9.4 of the Settlement Agreement on “Governing Law” is the section that determines the choice of law for the Settlement Agreement.

With regard to Ouster’s notice of recent developments, the Commission finds that, under the facts of this investigation, Hesai’s separately filed *inter partes* review petitions do not prevent the Commission from determining that the investigation must be terminated in favor of arbitration. The Commission also notes that the Settlement Agreement provides that “either Party shall have the right to challenge the validity and enforceability of any Patent in defense to a suit or assertion of a claim relating to any such Patent that is brought against a Party or alleging infringement by a Licensee Product or a Velodyne Product.” Settlement Agreement section 3.4 (“Contesting Validity”).

The investigation is terminated.

The Commission vote for this determination took place on October 10, 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: October 11, 2023.

**Lisa Barton,**  
*Secretary to the Commission.*  
[FR Doc. 2023–22754 Filed 10–13–23; 8:45 am]  
**BILLING CODE 7020–02–P**

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

On October 10, 2023, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Nebraska in the lawsuit entitled *United States of America v. Dravo Corp., et al.*, Civ. No. 8:01–cv–00500–JFB–TBT (D. Neb.).

The proposed consent decree resolves claims against Desco Corporation pursuant to section 107(a) CERCLA for response costs incurred and to be incurred by EPA for Operable Unit 01 of the Hastings Groundwater Contamination Superfund Site and requires the Defendant to make a payment of \$131,067 to EPA.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America v. Dravo Corp., et al.*, D.J. Ref. No. 90–11–2–1260/10. 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:

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 consent decree may be examined

and downloaded at this Justice Department website: <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 \$3.75 (25 cents per page reproduction cost) payable to the United States Treasury.

**Patricia McKenna,**  
*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*  
[FR Doc. 2023–22775 Filed 10–13–23; 8:45 am]  
**BILLING CODE 4410–15–P**

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**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Senior Executive Service; Appointment of Members to the Performance Review Board**

Title 5 U.S.C. 4314(c)(4) provides that Notice of the Appointment of the individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to serve on the Department’s Performance Review Board:

**Permanent Membership**

Chair—Nikki McKinney, Associate Deputy Secretary  
Vice-Chair—Carolyn Angus-Hornbuckle, Assistant Secretary for Administration and Management  
Alternate Vice-Chair—Sydney Rose, Chief Human Capital Officer

**Rotating Membership—Appointments Expire on 09/30/26**

BLS Tony Williams, Associate Commissioner for Technology and Survey Processing  
EBSA Amber Rivers, Director of Health Plan Standards and Compliance Assistance  
ETA Nicholas Lalpui, Regional Administrator, Dallas  
ILAB Molly McCoy, Associate Deputy Undersecretary  
MSHA Brian Goepfert, Administrator for Mine Safety and Health Enforcement  
OASAM Carl Campbell, Senior Procurement Executive  
ODEP Jennifer Sheehy, Deputy Assistant Secretary

OFCCP Tina Williams, Director,  
Division of Policy and Program  
Development  
OLMS Emily Prose, Regional  
Director, St. Louis, MO  
OSHA Eric Harbin, Regional  
Administrator, Dallas  
OWCP Christy Long, National  
Administrator of Field Operations,  
Seattle  
SOL John Rainwater, Regional  
Solicitor, Dallas  
VETS Ivan Denton, Director, National  
Programs  
WHD Ruben Rosalez, Regional  
Administrator, San Francisco

**FOR FURTHER INFORMATION CONTACT:**  
Tania Burkley, Chief, Division of  
Executive Resources, Room N2453, U.S.  
Department of Labor, Frances Perkins  
Building, 200 Constitution Ave. NW,  
Washington, DC 20210, telephone: (202)  
693-7638.

Signed at Washington, DC.

**Carolyn Angus-Hornbuckle,**  
*Assistant Secretary for Administration and  
Management.*

[FR Doc. 2023-22745 Filed 10-13-23; 8:45 am]

**BILLING CODE 4510-04-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Veterans' Employment and Training Service Competitive Grant Programs Reporting

**ACTION:** Notice of availability; request  
for comments.

**SUMMARY:** The Department of Labor  
(DOL) is submitting this Veterans'  
Employment and Training Service  
(VETS)-sponsored information  
collection request (ICR) to the Office of  
Management and Budget (OMB) for  
review and approval in accordance with  
the Paperwork Reduction Act of 1995  
(PRA). Public comments on the ICR are  
invited.

**DATES:** The OMB will consider all  
written comments that the agency  
receives on or before November 15,  
2023.

**ADDRESSES:** Written comments and  
recommendations for the proposed  
information collection should be sent  
within 30 days of publication of this  
notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular  
information collection by selecting  
“Currently under 30-day Review—Open  
for Public Comments” or by using the  
search function.

Comments are invited on: (1) whether  
the collection of information is

necessary for the proper performance of  
the functions of the Department,  
including whether the information will  
have practical utility; (2) the accuracy of  
the agency's estimates of the burden and  
cost of the collection of information,  
including the validity of the  
methodology and assumptions used; (3)  
ways to enhance the quality, utility and  
clarity of the information collection; and  
(4) ways to minimize the burden of the  
collection of information on those who  
are to respond, including the use of  
automated collection techniques or  
other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:**  
Michael Howell by telephone at 202-  
693-6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This  
request pertains the collection of  
performance data for the discretionary  
grants authorized under chapter 20 of  
title 38 of the United States Code. The  
collection of information is necessary  
for the proper oversight of discretionary  
grant funds administered by the  
Department of Labor's Veterans'  
Employment and Training Service  
(VETS) as required by law and  
regulation. These discretionary grants  
fund over 160 homeless veterans'  
reintegration projects that serve over  
17,000 veterans experiencing  
homelessness, veterans at-risk of  
homelessness, and incarcerated veterans  
annually. The discretionary grant funds  
are also used to fund over 30 Stand  
Down events annually. For additional  
substantive information about this ICR,  
see the related notice published in the  
**Federal Register** on July 25, 2023 (88 FR  
47918).

This information collection is subject  
to the PRA. A Federal agency generally  
cannot conduct or sponsor a collection  
of information, and the public is  
generally not required to respond to an  
information collection, unless the OMB  
approves it and displays a currently  
valid OMB Control Number. In addition,  
notwithstanding any other provisions of  
law, no person shall generally be subject  
to penalty for failing to comply with a  
collection of information that does not  
display a valid OMB Control Number.  
See 5 CFR 1320.5(a) and 1320.6.

*Agency:* DOL-VETS.

*Title of Collection:* Veterans'  
Employment and Training Service  
Competitive Grant Programs Reporting.  
*OMB Control Number:* 1293-0014.

*Affected Public:* Businesses or other  
for-profits; not-for-profit institutions;  
State, local and Tribal governments.

*Number of Respondents:* 970.

*Frequency:* Varies.

*Number of Responses:* 852.

*Estimated Average Time per  
Response:* Varies.

*Annual Burden Hours:* 11,180 hours.

*Total Estimated Annual Other Costs  
Burden:* \$0.

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

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2023-22744 Filed 10-13-23; 8:45 am]

**BILLING CODE 4510-79-P**

## DEPARTMENT OF LABOR

### Bureau of Labor Statistics

#### Data Users Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Data  
Users Advisory Committee will meet on  
Thursday, November 9, 2023. This  
meeting will be held virtually.

The Committee provides advice to the  
Bureau of Labor Statistics from the  
points of view of data users from  
various sectors of the U.S. economy,  
including the labor, business, research,  
academic, and government  
communities. The Committee advises  
on technical matters related to the  
collection, analysis, dissemination, and  
use of the Bureau's statistics, on its  
published reports, and on the broader  
aspects of its overall mission and  
function.

The agenda for the meeting is as  
follows:

- 12 p.m. Acting Commissioner's  
Welcome and Remarks
- 12:30 p.m. Quarterly Census of  
Employment and Wages (QCEW)  
Labor Market Concentration  
Statistics
- 1:15 p.m. Skills Analysis Project
- 2 p.m. Break
- 2:15 p.m. State Level Consumer Price  
Indexes
- 3 p.m. More Detailed Timing for Injury  
and Illness Data in Survey of  
Occupational Injuries and Illnesses  
(SOII)
- 3:45 p.m. Discussion of Future Topics  
and Concluding Remarks
- 4 p.m. Conclusion

All times are eastern time. The  
meeting is open to the public. Anyone  
planning to attend the meeting should  
contact Ebony Davis, Data Users  
Advisory Committee, at [Davis.Ebony@bls.gov](mailto:Davis.Ebony@bls.gov). Any questions about the  
meeting should be addressed to Mrs.  
Davis. Individuals who require special  
accommodations should contact Mrs.  
Davis at least two days prior to the  
meeting date.