

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

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:

<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 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

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 Prorise, 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.