

address the comments received before issuing a final RP/EA.

#### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Administrative Record

The documents comprising the Administrative Record for the Draft RP/EA can be viewed electronically at <https://www.doi.gov/deepwaterhorizon/adminrecord> under folder 6.5.2.2.3.

#### Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*), its implementing Natural Resource Damage Assessment regulations found at 15 CFR part 990, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and its implementing regulations found at 40 CFR parts 1500–1508.

#### Mary Josie Blanchard,

*Department of the Interior, Director of Gulf of Mexico Restoration.*

[FR Doc. 2023–05114 Filed 3–13–23; 8:45 am]

BILLING CODE 4333–15–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[LLCO956000 L14400000.BJ0000 223]

#### Notice of Filing of Plats of Survey, Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of official filing.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management (BLM), Colorado State Office, Lakewood, Colorado, 30 calendar days from the date of this publication. The surveys, which were executed at the request of the U.S. Forest Service and the U.S. National Park Service, are necessary for the management of these lands.

**DATES:** Unless there are protests of this action, the plats described in this notice will be filed on April 13, 2023.

**ADDRESSES:** You may submit written protests to the BLM Colorado State

Office, Cadastral Survey, P.O. Box 151029, Lakewood, CO 80215.

#### FOR FURTHER INFORMATION CONTACT:

Tasha A. Huhta, Acting Chief Cadastral Surveyor for Colorado, telephone: (970) 271–4209; email: [thuhta@blm.gov](mailto:thuhta@blm.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The plat and field notes of the dependent resurvey and subdivision of section 11 in Township 12 South, Range 72 West, Sixth Principal Meridian, Colorado, were accepted on December 2, 2022.

The plat, in 2 sheets, and field notes of the dependent resurvey and survey in Township 49 North, Range 7 West, New Mexico Principal Meridian, Colorado, were accepted on January 22, 2023.

The plat and field notes of the remonumentation of certain original corners in Township 8 South, Range 78 West, Sixth Principal Meridian, Colorado, were accepted on February 8, 2023.

A person or party who wishes to protest any of the above surveys must file a written notice of protest within 30 calendar days from the date of this publication at the address listed in the **ADDRESSES** section of this notice. A statement of reasons for the protest may be filed with the notice of protest and must be filed within 30 calendar days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

Before including your address, phone number, email address, or other personal identifying information in your protest, please be aware that your entire protest, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 43 U.S.C. chap. 3.)

#### Tasha A. Huhta,

*Acting Chief Cadastral Surveyor.*

[FR Doc. 2023–05201 Filed 3–13–23; 8:45 am]

BILLING CODE 4310–JB–P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1265]

### Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same Notice of the Commission’s Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of the Investigation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in the above-captioned investigation. The Commission has determined to issue: (1) a limited exclusion order (“LEO”) prohibiting the unlicensed entry of fitness devices, streaming components thereof, and systems containing same infringing certain claims of U.S. Patent Nos. 10,469,554 (“the ‘554 patent”); 10,469,555 (“the ‘555 patent”); and 10,757,156 (“the ‘156 patent”) that are manufactured by or on behalf of, or imported by or on behalf of, respondents ICON Health & Fitness, Inc. of Logan, Utah (“ICON” or “iFIT Inc.”); FreeMotion Fitness, Inc. of Logan, Utah (“FreeMotion”); NordicTrack Inc. of Logan, Utah (“NordicTrack,” and together with ICON and FreeMotion, “iFit”); and Peloton Interactive, Inc. of New York, New York (“Peloton”), or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns; and (2) cease and desist orders (“CDOs”) directed against iFit and Peloton, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission has also determined to grant a joint motion filed by complainants DISH DBS Corporation of Englewood, Colorado; DISH Technologies, L.L.C., of Englewood, Colorado; and Sling TV L.L.C., of Englewood, Colorado (collectively, “DISH”) and respondents lululemon athletica inc., of Vancouver, Canada (“lululemon”); and Curiouser Products Inc. d/b/a MIRROR of New York, New York (together with lululemon, “MIRROR”) that sought to terminate the investigation as to MIRROR on the basis of a settlement agreement. This investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Ronald A. Traud, Esq., Office of the

General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. 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](mailto: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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on May 19, 2021, based on a complaint filed by DISH. 86 FR 27106-07 (May 19, 2021). The complaint alleged a violation 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 fitness devices, streaming components thereof, and systems containing same by reason of infringement of certain claims of U.S. Patent Nos. 9,407,564 (“the ‘564 patent”); 10,951,680 (“the ‘680 patent”); the ‘554 patent; the ‘555 patent; and the ‘156 patent. *Id.* at 27106. The notice of investigation named as respondents iFit, MIRROR, and Peloton (collectively, “Respondents”). *Id.*; Order No. 14 (Nov. 4, 2021), *unreviewed by* Comm’n Notice (Dec. 6, 2021), 86 FR 70532 (Dec. 10, 2021). The Commission’s Office of Unfair Import Investigations (“OUII”) also was named as a party in this investigation. 86 FR at 27106.

Prior to the issuance of the Final ID, the complaint and notice of investigation were amended to change the name of ICON to iFIT Inc. Order No. 14 (Nov. 4, 2021), *unreviewed by* Comm’n Notice (Dec. 6, 2021), 86 FR at 70532. The investigation was also terminated in part as to claims 6, 11, and 12 of the ‘156 patent, claim 22 of the ‘554 patent, and claim 17 of the ‘555 patent. Order No. 15 (Nov. 19, 2021), *unreviewed by* Comm’n Notice (Dec. 20, 2021). Moreover, claims 9 and 12 of the ‘156 patent, claim 19 of the ‘554 patent, claims 12 and 13 of the ‘555 patent, and claim 6 of the ‘564 patent are no longer asserted against iFit and Peloton. *Id.* The investigation was further terminated as to claims 6-8, 10, and 13-15 of the ‘564 patent, claims 3 and 6-12 of the ‘156 patent, claims 18, 19, 21-25, and 30 of the ‘554 patent, claims 12,

13, 16, 17, 26, and 27 of the ‘555 patent, and all asserted claims of the ‘680 patent. Order No. 21 (Mar. 3, 2022), *unreviewed by* Comm’n Notice (Mar. 23, 2022).

At the time of the Final ID, DISH asserted the following claims against MIRROR and iFit: claims 1, 3, and 5 of the ‘564 patent; claims 16, 17 and 20 of the ‘554 patent; claims 10, 11, 14, and 15 of the ‘555 patent; and claims 1, 4, and 5 of the ‘156 patent. DISH also asserted the following claims against Peloton: claims 1 and 3-5 of the ‘564 patent; claims 16, 17, and 20 of the ‘554 patent; claims 10, 11, 14, and 15 of the ‘555 patent; and claims 1, 2, 4, and 5 of the ‘156 patent.

On September 9, 2022, the Chief Administrative Law Judge (“CALJ”) issued the Final ID, which found that Respondents violated section 337.

The CALJ’s recommendation on remedy and bonding (the “RD”) recommended that, if the Commission finds a violation of section 337, the Commission should issue an LEO and a CDO directed to each of the Respondents. The RD further recommended that the Commission impose a zero percent (0%) bond during the period of Presidential Review. The Commission did not direct the CALJ to make findings and a recommendation on the statutory public interest factors.

On September 23, 2022, Respondents and OUII filed petitions for review of the Final ID. On October 3, 2022, DISH and OUII filed responses to the petitions.

On October 11, 2022, DISH and Respondents filed their public interest comments pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)).

On November 18, 2022, the Commission determined to review the Final ID in part. 87 FR 72510, 72510-12 (Nov. 25, 2022). In particular, the Commission reviewed the following:

(1) whether DISH satisfied the technical prong of the domestic industry requirement as to all Asserted Patents;

(2) whether claims 16, 17, and 20 of the ‘554 patent and claims 14 and 15 of the ‘555 patent are entitled to claim priority to U.S. App. No. 60/566,831;

(3) whether claims 16, 17, and 20 of the ‘554 patent and claims 14 and 15 of the ‘555 patent are invalid as anticipated over the prior public use of the Move Media Player;

(4) whether the asserted claims of the ‘555 patent are invalid for misjoinder of Mr. Brueck; and

(5) whether the preamble of claim 10 of the ‘555 patent is limiting.

*Id.* The Commission requested briefing on certain issues under review

and on remedy, the public interest, and bonding. *See id.*

On December 2, 2022, the parties filed their written submissions on the issues under review and on remedy, public interest, and bonding, and on December 9, 2022, the parties filed their reply submissions. The Commission did not receive comments on the public interest from non-parties.

On February 13, 2023, MIRROR and DISH filed a joint, unopposed motion to partially terminate the investigation as to MIRROR based on a settlement agreement between DISH and MIRROR. The Commission has determined to grant the motion.

On review, and consistent with the simultaneously-issued Commission opinion, the Commission affirms-in-part and reverses-in-part, on other grounds, the Final ID’s finding that DISH’s domestic industry products practice the asserted claims of the Asserted Patents. The Commission also resolves in the first instance the claim construction dispute amongst the parties regarding whether the asserted claims require a display. The Commission concludes that the asserted claims of the ‘156, ‘554, and ‘555 patents do not require a display, but the asserted claims of the ‘564 patent do require a display. Accordingly, the Commission further finds that DISH has satisfied the technical prong of the domestic industry requirement as to the ‘156, ‘554, and ‘555 patents, but not as to ‘564 patent. The Commission also affirms with modifications the Final ID’s findings that the asserted claims of the ‘554 and ‘555 patents can properly claim priority to U.S. App. No. 60/566,831 and affirms the Final ID’s findings that those claims are not invalid over the prior public use of the Move Media Player. The Commission additionally finds that the respondents did not show that the asserted claims of the ‘555 patent are invalid for misjoinder of inventorship.

The Commission has determined that the appropriate form of relief is an LEO prohibiting (1) the unlicensed entry of infringing fitness devices, streaming components thereof, and systems containing same manufactured by or on behalf of iFit, Peloton, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission has also determined to issue CDOs against iFit and Peloton. The Commission has determined to include an exemption to the remedial orders for repair or, under warranty terms, replacement of products purchased by consumers prior to the date of the remedial orders.

The Commission has further determined that the public interest factors enumerated in subsections (d)(1) and (f)(1) (19 U.S.C. 1337(d)(1), (f)(1)) do not preclude issuance of the above-referenced remedial orders.

Additionally, the Commission has determined to impose a bond of zero (0%) (*i.e.*, no bond) of entered value of the covered products during the period of Presidential review (19 U.S.C. 1337(j)). This investigation is terminated.

The Commission vote for this determination took place on March 8, 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: March 8, 2023.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2023-05144 Filed 3-13-23; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the System Unit Resource Protection Act

On March 8, 2023, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of West Virginia in the lawsuit entitled *United States v. Wild Rock West Virginia, et al.*, Civil Action No. 2:21-cv-00341.

The United States filed this lawsuit under the System Unit Resource Protection Act and common law trespass and conversion. The complaint alleges that defendants Wild Rock West Virginia; Optima Properties WV, LLC; and William Frischkorn, Administrator of the Estate of Carl F. Frischkorn, (collectively "Defendants") unlawfully cut trees and removed vegetation at the New River Gorge National Park and Preserve (the "Park"), near Fayetteville, West Virginia. The complaint seeks recovery of damages and response costs and injunctive relief.

Under the Consent Decree, Defendants will pay \$152,000 to the U.S. Department of the Interior, National Park Service ("NPS"), for response costs and damages, with interest. In addition, Defendants will transfer an undeveloped 40-acre parcel of property adjacent to the Park to a local non-profit land trust for permanent

conservation and recreational use. Further, Defendants will grant public access to a hiking and climbing-access trail on Wild Rock property. Finally, NPS will be given access to Wild Rock property for five years to conduct restoration activities near the sites of the tree-cutting.

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 v. Wild Rock West Virginia, et al.*, D.J. Ref. No. 90-11-3-12073. 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 \$13.25 (25 cents per page reproduction cost) payable to the United States Treasury.

**Jeffrey Sands,**

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

[FR Doc. 2023-05130 Filed 3-13-23; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2009-0025]

### UL LLC: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the application of UL LLC, for expansion of the scope of recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application. Additionally, OSHA proposes to add one test standard to the NRTL Program's List of Appropriate Test Standards.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 29, 2023.

**ADDRESSES:** Submit comments by any of the following methods:

*Electronically:* You may submit comments and attachments electronically at: <https://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Docket:* To read or download comments or other material in the docket, go to <https://www.regulations.gov>. Documents in the docket are listed in the <https://www.regulations.gov> index; however, some information (*e.g.*, copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693-2350 (TTY (877) 889-5627) for assistance in locating docket submissions.

*Instructions:* All submissions must include the agency name and the OSHA docket number for this **Federal Register** notice (OSHA-2009-0025). OSHA will place comments, attachments and other information and requests, including personal information, in the public docket without revision, and these materials will be available online at <https://www.regulations.gov>. Therefore, the agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

*Extension of comment period:* Submit requests for an extension of the comment period on or before March 29, 2023 to the Office of Technical Programs and Coordination Activities,