

### Schedule for the Decision-Making Process

Reclamation will conduct an environmental review to analyze the effects of the Proposed Action, along with other alternatives considered and the associated impacts of each alternative for the development of a Draft EIS. Following completion of the environmental review, Reclamation will publish a notice of availability and request for public comments on the Draft EIS, which is expected to be made public in December 2021. In preparing the Final EIS, which is planned for issuance in 2022, Reclamation will respond to comments received on the Draft EIS. At least 30 days after the Final EIS is available, the Record of Decision will be issued in accordance with applicable timeframes established in 40 CFR 1506.11.

### Public Scoping Process

This notice of intent initiates the scoping process, which guides the development of the EIS. Reclamation invites interested parties to participate in the scoping process to help identify the range of reasonable alternatives and the environmental issues to be analyzed.

A virtual public scoping meeting will be held on May 1, 2021, to solicit comments on the scope of the EIS and the issues and alternatives that should be analyzed. Detailed information for the virtual scoping meeting process will be announced in advance through local media, newspapers, and the project website at: <https://www.wmat-rws-eis.com/>. At the time of this publication, the dates and log-in information for the scoping meeting will be available on the project website.

Additional opportunities to review project materials, ask questions, and submit comments will be provided on the project website (<https://www.wmat-rws-eis.com/>) or at the phone number above. It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the EIS. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. Comments received, including names and addresses of those who comment, will be part of the public record for this Proposed Action.

### 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.

### Request for Identification of Potential Alternatives, Information, and Analyses Relevant to the Proposed Action

Reclamation requests assistance with identifying potential alternatives to the Proposed Action to be considered. As suggested alternatives should still meet the purpose and need for the Proposed Action, please be as descriptive as possible with the suggested alternative. Reclamation also requests that potential impacts that should be analyzed be identified. Impacts should be a result of the action; therefore, please identify the activity and the potential impact that should be analyzed. Information that reviewers have that would assist in the development of alternatives or analysis of resource issues is also helpful.

### Lead and Cooperating Agencies

Reclamation is the lead Federal agency and the WMAT, BIA, and USACE are cooperating agencies in the preparation of this EIS.

### Decision Maker

The responsible official is Reclamation's Regional Director, Interior Region 8: Lower Colorado Basin, as delegated by the Secretary of the Interior.

### Nature of Decision To Be Made

In accordance with the Act, "the Secretary shall carry out all necessary environmental compliance activities required by Federal law in implementing the Agreement [WMAT Water Rights Quantification Agreement dated January 13, 2009]." Following completion of a final EIS, the responsible official will approve a Record of Decision.

### Karl Stock,

*Acting Regional Director, Interior Region 8: Lower Colorado Basin, Bureau of Reclamation.*

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### INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-567 (Advisory Opinion Proceeding 2)]

### Certain Foam Footwear; Notice of the Issuance of an Advisory Opinion; Termination of the Advisory Opinion Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to issue an advisory opinion in the above-captioned investigation. The Commission also terminates the advisory opinion proceeding.

### FOR FURTHER INFORMATION CONTACT:

Clint Gardine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2310. 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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted the underlying investigation on May 11, 2006, based on a complaint, as amended, filed by Crocs, Inc. ("Crocs") of Niwot, Colorado. 71 FR 27514-15 (May 11, 2006). The complaint alleged, *inter alia*, violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foam footwear, by reason of infringement of claims 1-2 of U.S. Patent No. 6,993,858 ("the '858 patent") and U.S. Patent No. D517,789 ("the '789 patent"). The notice of investigation named several respondents, including Double Diamond Distribution Ltd. ("Double Diamond") of Saskatoon, Canada.

On July 25, 2008, the Commission issued a final determination finding no violation of section 337. 73 FR 45073-74 (Aug. 1, 2008). On July 15, 2011, after an appeal to the U.S. Court of Appeals for the Federal Circuit and subsequent

remand vacating the Commission's previous finding of no violation, the Commission found a violation of section 337 based on infringement of the asserted claims of the patents and issued a general exclusion order ("GEO") and, *inter alia*, a cease and desist order ("CDO") directed against Double Diamond. 76 FR 43723–24 (July 21, 2011).

On March 28, 2020, the '789 patent expired. Accordingly, the GEO and CDO, by their terms, are only directed to articles that infringe one or more of claims 1 and 2 of the '858 patent. On December 8, 2020, Double Diamond submitted a request for institution of an expedited advisory opinion proceeding to determine whether its new Original Beach DAWGS™ shoes with plastic washers are subject to the GEO or CDO. On December 18, 2020, Crocs opposed Double Diamond's request for an expedited advisory opinion proceeding. On December 22, 2020, Double Diamond moved for leave to file a reply to Crocs' opposition, and on December 23, 2020, Crocs responded to Double Diamond's motion for leave to reply.

On January 7, 2021, the Commission instituted an advisory opinion proceeding to determine whether Double Diamond's new Original Beach DAWGS™ shoes with plastic washers fell within the scope of the GEO or CDO. 86 FR 2696 (January 13, 2021). Concurrent with the notice, the Commission ordered supplemental information and a product sample from Double Diamond. Comm'n Order (Jan. 7, 2021). On January 14, 2021, Double Diamond submitted its response to the Commission Order. On January 28, 2021, Crocs submitted its reply to Double Diamond's submission.

Having considered the record evidence including the parties' filings, the Commission has determined that Double Diamond's new Original Beach DAWGS™ shoes with permanent plastic washers that prevent all direct contact between the strap and the base of the shoe do not fall within the scope of the GEO or CDO and therefore should not be excluded. The reasons for the Commission's determination are set forth in the accompanying Advisory Opinion, and the advisory opinion proceeding is hereby terminated.

The Commission vote for this determination took place on April 13, 2021.

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: April 13, 2021.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2021–07966 Filed 4–16–21; 8:45 am]

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## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *In the Matter of Certain Fitness Devices, Streaming Components Thereof, and Systems Containing Same, DN 3544*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (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 United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.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 has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of DISH DBS Corporation, DISH Technologies L.L.C., and Sling TV L.L.C on April 13, 2021. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in 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. The complainant names as respondents: ICON Health & Fitness, Inc. of Logan, UT; FreeMotion Fitness, Inc. of Logan, UT; NordicTrack, Inc. of Logan, UT; lululemon athletica inc. of Canada; Curiouser Products Inc. d/b/a MIRROR of New York, NY; and Peloton Interactive, Inc. of New York, NY. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues