

encountered in the dark zones of caves and/or mesocaverns. Viable populations of these arthropods require a dependable source of nutrient input, typically in the form of roots from overlying perennial plants.

The primary threats to these species include: Small populations and restricted range; urban and agricultural development as well as quarrying operations; non-native species preying upon or competing with them for limited food resources; human visitation and uses of caves; urban and commercial pesticide; biocontrol agents; and extended drought which alters the high-humidity environment to which these arthropods are adapted, which also facilitates invasion by nonnative species.

Downlisting to threatened may be considered for both species when nine viable populations, spread across the known range, are shown to be: (1) Self-sustaining; (2) stable or increasing; (3) protected from non-native/predatory species, human visitation to caves, bio-control agents, pesticides, development or other damaging land uses; and (4) with the habitat being utilized in a fashion consistent with conservation, as evidenced by monitoring over a 10-year period.

Delisting of both species may be considered when 12 viable populations, spread across the known range, are shown to be: (1) Self-sustaining; (2) stable or increasing; (3) protected from non-native/predatory species, human visitation to caves, bio-control agents, pesticides, development or other damaging land uses; and (4) with the habitat being utilized in a fashion consistent with conservation, as evidenced by monitoring over a 20-year period. In addition, a post-delisting monitoring plan and agreement to continue post-delisting monitoring must be in place and ready for implementation at the time of delisting. Monitoring populations following delisting will verify the ongoing recovery and conservation of the species and provide a means of assessing the continuing effectiveness of management actions.

#### Public Comments Solicited

We solicit written comments on the draft recovery plan as described. All comments received by the date specified above will be considered prior to approval of this plan.

**Authority:** The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: November 18, 2004.

**David J. Wesley,**

*Acting Regional Director, Region 1.*

[FR Doc. 05-2492 Filed 2-8-05; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of Class III Gaming Compacts taking effect.

**SUMMARY:** Notice is given that the Tribal-State Compacts between the Eastern Shawnee Tribe, the Choctaw Tribe, the Citizen Potawatomi Nation and the State of Oklahoma are considered to have been approved and are in effect.

**DATES:** *Effective Dates:* February 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** George T. Skibine, Director, Office of Indian Gaming Management, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under Section 11(d)(7)(D) of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100-497, 25 U.S.C. 2710, the Secretary of the Interior must publish in the **Federal Register** notice of any Tribal-State compact that is approved, or considered to have been approved for the purpose of engaging in Class III gaming activities on Indian lands. The Acting Principal Deputy Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority did not approve or disapprove these compacts before the date that is 45 days after the date these compacts were submitted. These compacts authorize Indian tribes to engage in certain Class III gaming activities, provides for certain geographical exclusivity, limits the number of gaming machines at existing racetracks, and prohibits non-tribal operation of certain machines and covered games. Therefore, pursuant to 25 U.S.C. 2710(d)(7)(C), these compacts are considered to have been approved, but only to the extent they are consistent with IGRA.

Dated: January 28, 2005.

**Michael D. Olsen,**

*Acting Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. 05-2462 Filed 2-8-05; 8:45 am]

**BILLING CODE 4310-4N-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ES-960-1910-BJ-4489, ES-053126]

#### Group No. 38, Illinois; Eastern States: Filing of Plat of Survey

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

**ACTION:** Notice of filing of plat of survey; Illinois.

**SUMMARY:** The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM—Eastern States, Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

**SUPPLEMENTARY INFORMATION:** This survey was requested by the U.S. Army Corps of Engineers.

The lands we surveyed are:

#### Fourth Principal Meridian, Illinois

T. 8 S., Rs. 4 and 5 W.

The plat of survey represents the dependent resurvey of portions of the township boundaries, portions of the subdivisional lines and the survey of the Lock and Dam No. 24 acquisition boundary, in Township 8 South, Ranges 4 and 5 West, of the Fourth Principal Meridian, in the State of Illinois, and was accepted on January 28, 2005.

We will place a copy of the plat we described in the open files. It will be made available to the public as a matter of information.

Dated: January 28, 2005.

**Stephen D. Douglas,**

*Chief Cadastral Surveyor.*

[FR Doc. 05-2506 Filed 2-8-05; 8:45 am]

**BILLING CODE 4310-GJ-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Outer Continental Shelf (OCS), Alaska Region, Chukchi Sea/Hope Basin and Norton Basin Planning Areas

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Call for information and nominations.

**SUMMARY:** The Secretary's decision to consider offering the Chukchi Sea/Hope Basin Planning Area and the Norton Basin Planning Area in the OCS Oil and Gas Leasing Program for 2002-2007 provides for an 18-month "special-interest" process beginning with

publication of this Call. Based on the information and specific nominations received as a result of this Call, a decision will be made whether to proceed with a sale for these separate planning areas. In the past MMS has issued separate Calls for these areas; however, because the areas are both "special-interest areas" and tentative process milestones are the same, the decision was made to combine the Calls.

**DATES:** Nominations and comments on the Call must be received on or before May 10, 2005.

**FOR FURTHER INFORMATION CONTACT:** Please call Phyllis Casey at (907) 334-5272 or Steve Flippen at (907) 334-5268 in MMS's Alaska OCS Region regarding questions on the Call.

**SUPPLEMENTARY INFORMATION:** The objective of this "special-interest" leasing option is to foster exploration in a frontier OCS area with potential oil and gas resources, but due to high economic costs, may have questionable industry interest. This allows us to offer the option, but with minimal upfront time and effort required for holding a typical lease sale. The general approach is to query industry regarding the level of interest in proceeding with sales in the Chukchi Sea/Hope Basin and the Norton Basin that would offer only very small, very focused areas of specific interest for exploration and to request nominations of such areas. The lease sales are being proposed to provide opportunities for industry to pursue the high resource potential of the Chukchi Sea area in conjunction with potential natural gas resources that may extend into the adjacent Hope Basin area. The Norton Basin may contain quantities of natural gas, which might be used for western Alaska communities if economically feasible. Comments are also being requested from the general public on this special-interest leasing process, including the terms and conditions of the sales. The MMS will consider all comments and nominations in the decisions on whether and where within the Chukchi Sea/Hope Basin or Norton Basin to proceed with leasing and on the terms and conditions of lease sale proposals. A decision to offer a nominated area for leasing will be conditioned on a commitment from industry to explore the area leased within a specific time period. Any lease sale would be open competitively to all qualified bidders.

This is the third Call issued for the Chukchi Sea/Hope Basin for this 5-year program. The first two Calls were published in the **Federal Register** on March 25, 2003, and January 30, 2004, respectively. No interest was expressed

for either Call; therefore, the process was stopped and deferred to this year. If no interest is expressed in response to this third Call, Sale 193 may be called again later this year.

This is the fourth Call issued for the Norton Basin for this 5-year program. The first three Calls were published in the **Federal Register** on January 22, 2002, March 25, 2003, and January 30, 2004, respectively. No interest was expressed for any of these Calls; therefore, the process was stopped and deferred to this year. This is the last Call scheduled to be issued for Norton Basin in this 5-year program.

This Call does not indicate a preliminary decision to lease in the areas described below. If the MMS decides to proceed with the sale process, the MMS will make the final decision on the specific areas for possible leasing at a later date in the presale process and in compliance with the 5-year program and with applicable laws including all requirements of the National Environmental Policy Act (NEPA) and the OCS Lands Act (OCSLA). The MMS may adjust the dimensions of a nominated area after discussions with the nominating company.

## Call for Information and Nominations

### 1. Authority

This Call is published pursuant to the OCSLA, as amended (43 U.S.C. 1331-1356, [1994]), and the regulations issued thereunder (30 CFR part 256 and 30 CFR part 260); and in accordance with the OCS Oil and Gas Leasing Program 2002 to 2007, approved June 27, 2002.

### 2. Purpose of Call

The purpose of the Call is to gather preliminary information, to request nomination of specific areas of interest to industry, and to request comments on the terms and conditions of offering these special-interest lands. The Call also serves to initiate public outreach to assist in preparation of the NEPA analysis for this proposal. This proposal is in keeping with Sec. 102(9) of the OCSLA Amendments of 1978, which states as a purpose of the statute, "\* \* \* to insure that the extent of oil and natural gas resources of the OCS is assessed at the earliest practicable time." The objective of the "special-interest" leasing process is to encourage exploration in a frontier OCS area that might contain natural gas for potential use in local communities, as well as oil to meet national energy needs. The sale would offer for lease both oil and gas.

Comments, information, and nominations on oil and gas leasing,

exploration, and development and production within the Chukchi Sea/ Hope Basin and Norton Basin are sought from all interested parties. Comments are also being sought on the terms, conditions, and economic incentives of a sale in the Chukchi Sea/ Hope Basin and Norton Basin. Industry and other interested parties are strongly encouraged to contact the MMS, Alaska OCS Region, Phyllis Casey at (907) 334-5272 or Steve Flippen at (907) 334-5268, with questions or to discuss interest in these areas. This early planning and consultation step is particularly important to this special-interest lands process. The MMS will base its decision on whether to proceed with the presale process and the terms and conditions of a sale on the nominations and other information received in response to this Call. This process will ensure a decision that considers the concerns of all respondents in future decisions in this leasing process pursuant to the OCSLA and regulations at 30 CFR part 256 and 30 CFR part 260. Commenters are also encouraged to submit comments and suggestions on the "special-interest" leasing process in general using this process.

This Call is being issued in accordance with the OCS Oil and Gas Leasing Program 2002 to 2007, approved June 27, 2002. The program offers two sales in the Chukchi Sea/ Hope Basin during the 5-year program. If no interest is expressed in response to this third Call, Sale 193 will not be held for this 5-year program. However, a new Call for the Chukchi Sea/ Hope Basin for Sale 203 is scheduled to be issued November 2005 with a tentative sale date in May 2007. No more than two rounds of lease issuance in the Chukchi Sea/ Hope Basin were to occur during this 5-year program. This is the fourth Call issued for the Norton Basin Program Area. The first three Calls were published in the **Federal Register** on January 22, 2002, March 25, 2003, and January 30, 2004, respectively. No interest was expressed for any Call. This is the last Call scheduled for the Norton Basin in this 5-year program.

### 3. Description of Areas

*Chukchi Sea/ Hope Basin:* This area is located offshore the State of Alaska in the Chukchi Sea, between Cape Krusenstern and Point Barrow. The Chukchi Sea area consists of approximately 6,155 whole and partial blocks (about 34 million acres). It extends offshore from about 10 to approximately 200 miles in water depths from about 32 feet to approximately 230 feet. A small portion

of the northeast corner of the area drops to approximately 3,000 feet. The Hope Basin area consists of approximately 1,243 whole and partial blocks (about 6½ million acres). It extends offshore from about 3 to approximately 110 miles in water depths from about 32 feet to approximately 230 feet.

*Norton Basin:* This area is located offshore the State of Alaska in the northern Bering Sea, west and south off the coast of the Seward Peninsula. It consists of approximately 4,742 whole and partial blocks (about 25 million acres). It extends offshore from about 3 to approximately 320 miles in water depths from about 25 feet to approximately 650 feet.

Page-size maps of the areas accompany this Notice. Large scale Call maps showing the boundaries of the areas on a block-by-block basis are available without charge from the Public Information Office at the address given below, or by telephone request at (907) 334-5206 or 1-800-764-2627. Copies of Official Protraction Diagrams (OPDs) are also available at the following location: Alaska OCS Region, Minerals Management Service, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503.

In addition, the OPDs are available on the MMS Web site at <http://www.mms.gov/ld/alaska.htm>.

#### 4. Instructions on Call

The Call for Information Maps and indications of interest and/or comments must be submitted to the Regional Supervisor, Leasing and Environment, at the above address.

The Call maps delineate the areas that are the subject of this Call. Respondents are requested to indicate very specific areas of interest in and comment on the Federal acreage within the boundaries of the Call areas that they wish to have included in a proposed sale in the Chukchi Sea/Hope Basin or Norton Basin.

If you wish to comment, you may submit your comments by any one of the following methods:

- You may mail comments to the Alaska OCS Region, Minerals Management Service, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503, in envelopes labeled “*Attn: Comments on Call for Information and Nominations for Proposed 2005 Lease Sale in Chukchi Sea/Hope Basin.*” or “*Attn: Comments on Call for Information and Nominations for Proposed 2005 Lease Sale in Norton Basin.*”, as appropriate.

- You may fax your comments to MMS at (907) 334-5242.

- You may also comment using Public Connect at: <https://occonnect.mms.gov/pcs-public>.
- Finally, you may hand-deliver comments weekdays between 8 am and 5 pm to the Alaska OCS Region, Minerals Management Service, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503.

Please note that all comments need to identify which areas they pertain to.

Our practice is to make comments, including names and addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their address from the record, which we will honor to the extent allowable by law. Under certain circumstances we can withhold a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

*A. Areas of Interest to the Oil and Gas Industry.* Industry must be candid and very specific regarding the areas they nominate if this process is to succeed. The purpose of this process is to identify and offer only small-focused areas where industry has a significant interest in exploration. Nominations covering large-scale areas will not be helpful in defining these areas.

Nominations must be depicted on the Call maps by outlining the area(s) of interest along block lines. Nominators are asked to submit a list of whole and partial blocks nominated (by OPD and block number) to facilitate correct interpretation of their nominations on the Call maps. Although the identities of those submitting nominations become a matter of public record, the individual nominations are proprietary information. The telephone number and the name of a person to contact in the nominator's organization for additional information should be included in the response. This person will be contacted to set up a mutually agreeable time and place for a meeting with the Alaska OCS Regional Office to present their views regarding the company's nominations.

*B. Terms, Conditions, and Economic Incentives Pertaining to Lease Issuance.* Respondents are requested to comment on the terms, conditions, and economic incentives pertaining to lease issuance for any leases that may be issued as a

result of a sale in the Chukchi Sea/Hope Basin or Norton Basin. The MMS is aware of the lack of infrastructure and distance from shore to some of the blocks in this area and will consider these factors in designing any incentives. The following are being considered for use in this sale:

- Lease term of 10 years
- Submission of an exploration plan within 8 years of lease issuance
- Economic incentives similar in form to those contained in the Notice of Sale for Beaufort Sea Sale 186 (68 FR 50549) and those proposed for Beaufort Sea Sale 195 (69 FR 61402). Incentives for Beaufort Sea Sale 186 were:
  - Royalty suspension volumes for oil production (with possible consideration for gas)
  - Reduced rental rates
  - Lower minimum bid requirements

*C. Relation to Coastal Management Plans (CMPs).* Comments also are sought on potential conflicts with approved local CMPs that may result from the proposed sale and future OCS oil and gas activities. These comments should identify specific CMP policies of concern, the nature of the conflicts foreseen, and steps that MMS could take to avoid or mitigate the potential conflicts. Comments may be in terms of broad areas or restricted to particular blocks of concern. Commenters are requested to list block numbers or outline the subject area on the large-scale Call map.

#### 5. Use of Information From Call

Information submitted in response to this Call will be used for several purposes. We will use responses to:

- Determine whether to proceed with a competitive oil and gas lease sale in the Chukchi Sea/Hope Basin or Norton Basin
- Identify specific areas of interest for oil and/or gas exploration and development
- Identify environmental effects and potential use conflicts
- Assist in the public outreach for the environmental analysis
- Develop possible alternatives to the proposed action
- Develop lease terms and conditions/mitigating measures
- Identify potential conflicts between oil and gas activities and the Alaska CMP

#### 6. Existing Information

An extensive environmental, social, and economic Studies program has been underway in the Alaska OCS Region since 1976, including studies in these

areas. The emphasis has been on geologic mapping, environmental characterization of biologically sensitive habitats, endangered whales and marine mammals, physical oceanography, ocean-circulation modeling, and ecological and socio-cultural effects of oil and gas activities.

The MMS has had two past sales in the Chukchi Sea area. In May 1988, Sale 109 was held and resulted in 350 leases

being issued. In August 1991, Sale 126 was held and resulted in 28 leases being issued. There were four exploratory wells drilled, but all have been permanently plugged and abandoned. All 378 leases have since been relinquished or expired. No lease sales have been held in the Hope Basin area. The MMS has had one past sale in the Norton Basin area. In March 1983, Sale 57 was held and resulted in 59 leases

being issued. There were six exploratory wells drilled, but all have been permanently plugged and abandoned. All 59 leases have been relinquished or expired. The Alaska OCS Region document "Undiscovered Oil and Gas Resources, Alaska Federal Offshore, December 2000 Update" ([www.mms.gov/alaska/re/uogr/uogr.pdf](http://www.mms.gov/alaska/re/uogr/uogr.pdf)), estimates the undiscovered conventionally recoverable resources at:

Area	Oil and NGL (BBO)			Gas (TCFG)			BOE (BBO)			MPhc
	F95	Mean	F05	F95	Mean	F05	F95	Mean	F05	
CHUKCHI SHELF .....	8.60	15.46	25.03	13.56	60.11	154.31	11.32	26.21	49.60	1.00
HOPE BASIN .....	0.00	0.09	0.28	0.00	3.38	11.06	0.00	0.69	2.25	0.61
NORTON BASIN .....	0.00	0.05	0.15	0.00	2.71	8.74	0.00	0.53	1.70	0.72

*BBO, billions of barrels of oil and natural gas liquids; TCFG, trillions of cubic feet; BOE, total oil and gas in billions of energy-equivalent barrels (5,620 cubic feet of gas=1 energy-equivalent barrel of oil); reported MEAN, resource quantities at the mean in cumulative probability distributions; F95, the resource quantity having a 95-percent probability of being met or exceeded; F05, the resource quantity having a 5-percent probability of being met or exceeded; MPhc, marginal probability for hydrocarbons for basin, i.e., chance for the existence of at least one pool of undiscovered, conventionally recoverable hydrocarbons somewhere in the basin. Resource quantities shown are risked, that is, they are the product of multiplication of conditional resources and Mphc. All liquid resources in Norton basin are natural gas liquids that would only be recovered by natural gas production.*

Information on the Studies program, completed studies, and a program status report for continuing studies in these areas is available on the MMS Web site at <http://www.mms.gov/alaska>, or may be obtained from the Chief, Environmental Studies Section, Alaska OCS Region, by telephone request at

(907) 334-5230, or by written request at the address stated under Description of Area. A request may also be made via the Alaska OCS Region Web site at [www.mms.gov/alaska/ref/pubindex/pubsindex.htm](http://www.mms.gov/alaska/ref/pubindex/pubsindex.htm).

7. Tentative Schedules

If MMS receives specific nominations from industry in response to this Call and decides to proceed with the pre-sale process, the following is a list of tentative milestone dates applicable to a Chukchi Sea/Hope Basin and/or a Norton Basin sale in 2006:

	Tentative process milestones for proposed 2006 Chukchi Sea/Hope Basin Sale and Norton Basin Sale
Call published/public outreach initiated .....	February 2005.
Comments due on Call .....	May 2005.
Decision whether to proceed/Area Identification .....	June 2005.
NEPA analysis .....	February 2006.
Consistency Determination/Proposed Notice of Sale .....	May 2006.
Governor's Comments due .....	July 2006.
Final Notice of Sale published .....	August 2006.
Sale .....	September 2006.



If MMS determines that an EIS might be required, this scheduled may be lengthened by 6 months.

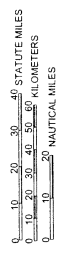
Approved: January 24, 2005.

**R.M. "Johnnie" Burton,**  
Director, Minerals Management Service.

BILLING CODE 4310-MR-P

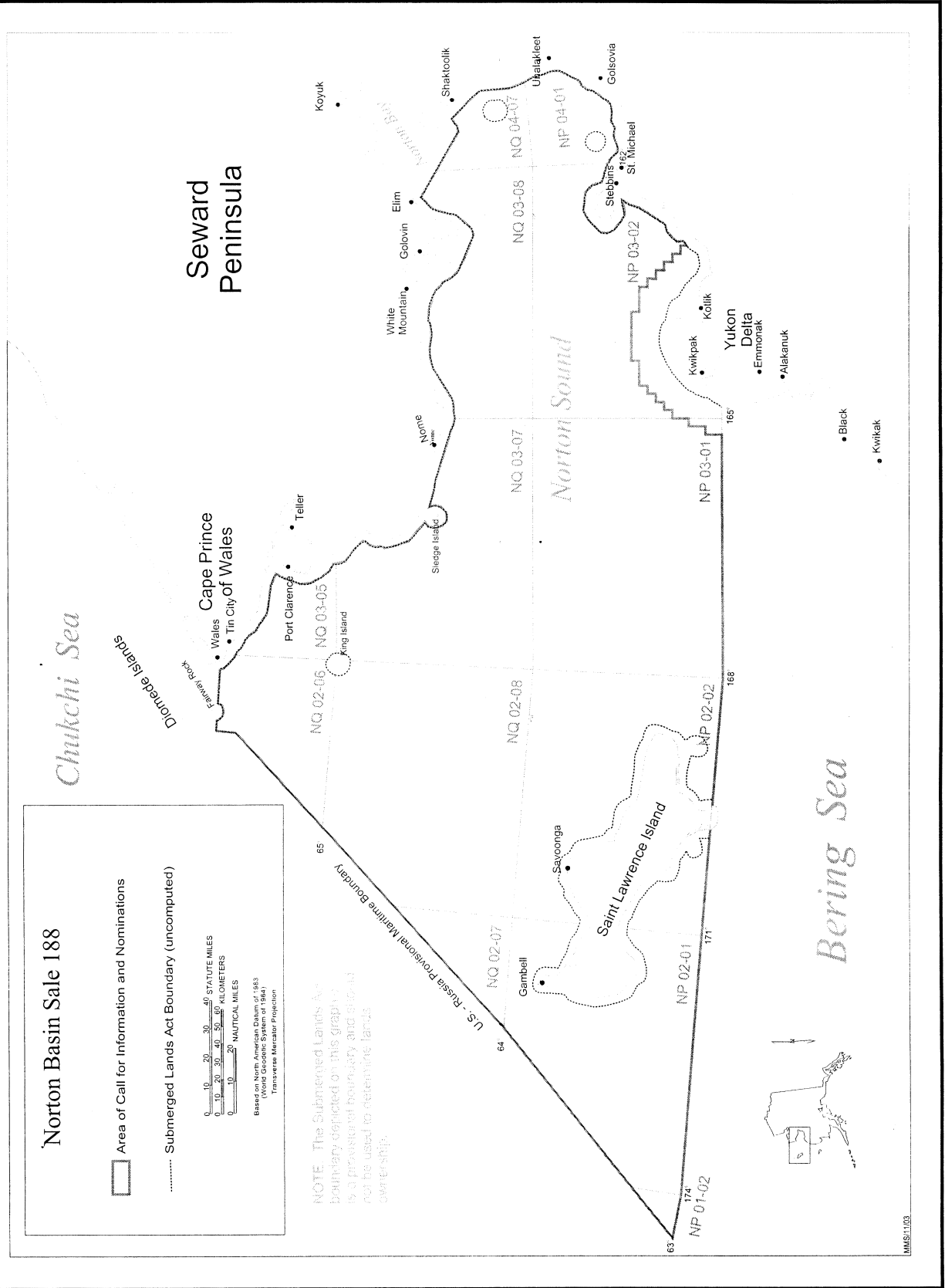
### Norton Basin Sale 188

-  Area of Call for Information and Nominations
-  Submerged Lands Act Boundary (uncomputed)

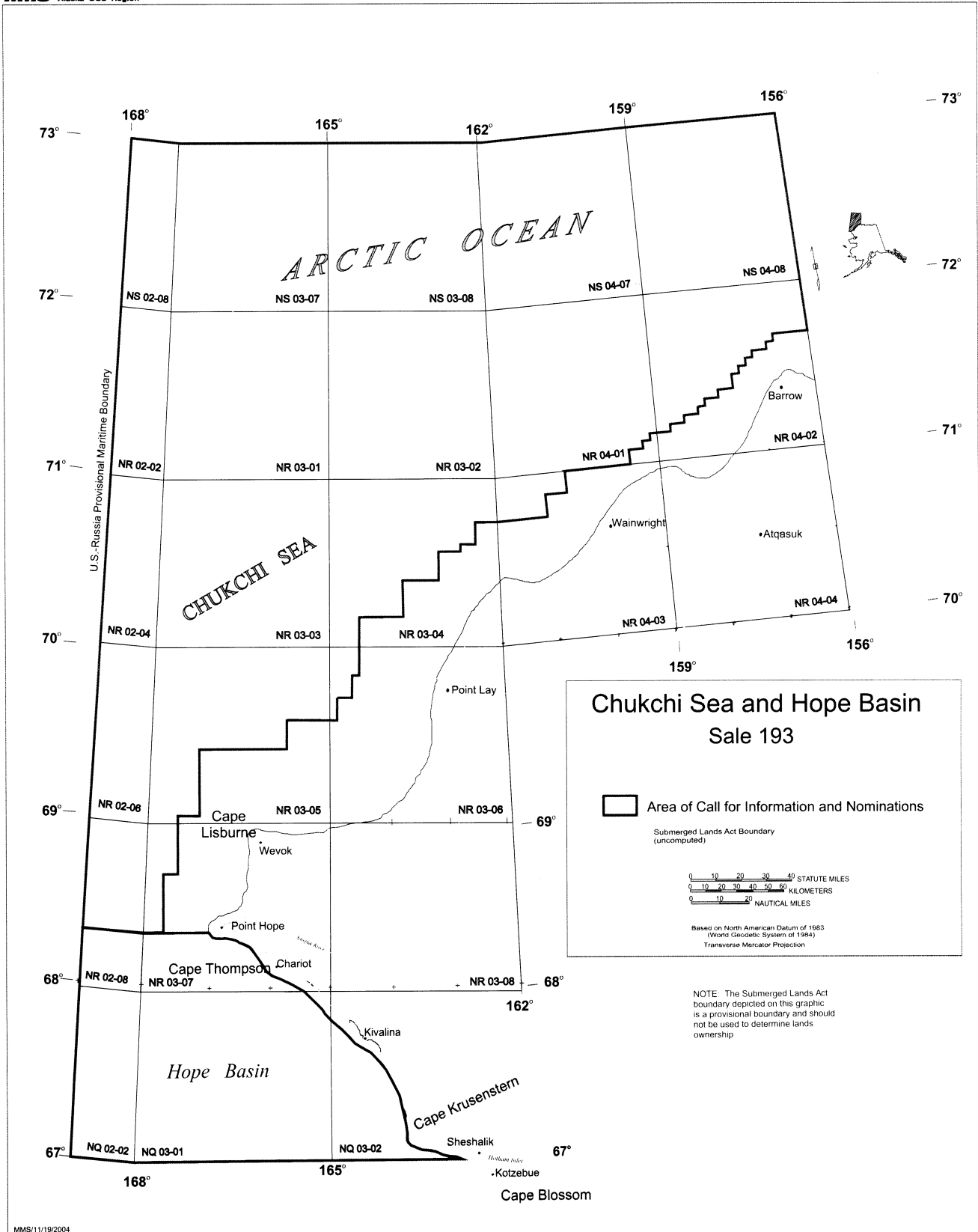


Based on North American Datum of 1983  
(World Geospatial System of 1984)  
Transverse Mercator Projection

NOTE: The Submerged Lands Act boundary depicted on this graphic is a provisional boundary and should not be used to determine lands ownership.



MMS U.S. Department of the Interior  
Minerals Management Service  
Alaska OCS Region



[FR Doc. 05-2523 Filed 2-8-05; 8:45 am]

BILLING CODE 4310-MR-C

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-505]

### Certain Gun Barrels Used in Firearms Training Systems; Notice of Commission Issuance of a Limited Exclusion Order and a Cease and Desist Order Against a Respondent Found in Default

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order and a cease and desist order against a respondent found in default in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:**

Michael K. Haldenstein, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3041. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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:** This patent-based section 337 investigation was instituted by the Commission based on a complaint filed by Beamhit, LLC, and Safeshot, LLC, both of Columbia, Maryland, and Safeshot, Inc., of New York, New York. 69 FR 12346 (March 16, 2004). The complainants alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain gun barrels used in firearms training systems by reason of infringement of claims 1, 2, 4, 5, 8, 15, 21, 22, and 26 of U.S. Patent No. 5,829,180 ("180 patent") and claims 1-

3, 7, 9, 14-18, 20, 24, 27, 32, 33, 37-40, 44, 45, 49-51, and 54 of U.S. Patent No. 6,322,365 ("the '365 patent"). The complainant named Widec S.A. Décolletage ("Widec"), of Moutier, Switzerland, AMI Corp. SA ("AMI"), of Moutier, Switzerland, Crown AirMunition Holding, of Hilversum, The Netherlands, AirMunition International Corp. of Hilversum, The Netherlands, AirMunition Industries S.A., of Belprahon-Moutier, Switzerland, and AirMunition North America, Inc., of Norcross, Georgia as respondents.

On April 27, 2004, complainants filed a motion, pursuant to Commission Rule 210.16, for an order to show cause and entry of a default judgement against Crown AirMunition Holding, AirMunition International Corp., AMI Corp. SA, and AirMunition North America Inc. (collectively "the AirMunition respondents"). The Commission investigative attorney ("IA") supported the motion. None of the respondents responded to the motion. On May 12, 2004, the administrative law judge ("ALJ") issued Order No. 6, requiring the AirMunition respondents to show cause why they should not be held in default, having not responded to either the complaint or the notice of investigation. The respondents did not respond to the show cause order. On August 16, 2004, complainants filed a motion for an order finding the AirMunition respondents in default due to the respondents' failure to respond to the ALJ's show cause order.

On September 21, 2004, the ALJ issued an ID finding the AirMunition respondents in default. Pursuant to Commission Rule 210.16(b)(3), the ALJ also found that the AirMunition respondents had waived their right to appear, be served with documents or contest the allegations in the complaint. No petitions for review of this ID were filed. On October 12, 2004, the ALJ's ID became the Commission's final determination after the Commission issued a notice indicating that it would not review the ID. On October 12, 2004, pursuant to Commission Rule of Practice and Procedure 210.16(c)(1), 19 CFR 210.16(c)(1), complainants filed a declaration seeking immediate entry of relief against the AirMunition respondents.

The complainants and the non-defaulting respondents, Widec and AMI, filed a joint motion to terminate the investigation as to Widec and AMI on September 2, 2004. The joint motion was based on a proposed consent order, filed pursuant to a settlement agreement and a limited license. The IA filed a

response in support of the motion on September 13, 2004. The ALJ issued an initial determination ("ID") on September 21, 2004, terminating the investigation as to Widec and AMI. No petitions for review of this ID were filed. On October 12, 2004, the Commission issued a notice indicating that it would not review the ID, thereby adopting the ALJ's ID as the Commission's final determination.

On November 10, 2004, the Commission requested that the parties brief the issues of remedy, the public interest, and bonding with respect to the defaulting AirMunition respondents. On November 22, 2004, complainants and the IA submitted their main briefs, and on December 1, 2004, the complainants and the IA submitted reply briefs. Complainants and the IA both maintained that the appropriate remedy is a limited exclusion order and a cease and desist order.

The Commission found that each of the statutory requirements of section 337(g)(1)(A)-(E), 19 U.S.C. 1337(g)(1)(A)-(E), has been met with respect to the defaulting AirMunition respondents. Accordingly, pursuant to section 337(g)(1), 19 U.S.C. 1337(g)(1), and Commission rule 210.16(c) 19 CFR 210.16(c), the Commission presumed the facts alleged in the amended complaint to be true.

The Commission determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of certain gun barrels used in firearms training systems by reason of infringement of one or more of the following claims: claims 1, 2, 4, 5, 8, 15, 21, 22, or 26 of the '180 patent or claims 1-3, 7, 9, 14-18, 20, 24, 27, 32, 33, 37-40, 44, 45, 49-51, or 54 of the '365 patent. The order covers certain gun barrels used in firearms training systems that are manufactured abroad by or on behalf of, or imported by or on behalf of the AirMunition respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission also determined to issue a cease and desist order prohibiting AirMunition North America Inc. from importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for certain gun barrels covered by the above-mentioned claims of the '180 patent and '365 patent. The Commission further determined that the public interest factors enumerated in section 337(g)(1), 19 U.S.C. 1337(g)(1), do not preclude issuance of the limited exclusion order and cease and desist