

management of native riparian habitats within the Enrolled Properties. The objective of such activities is to enhance populations of California red-legged frogs, least Bell's vireos, and southwestern willow flycatchers by increasing the amount and quality of suitable habitat on the Enrolled Properties. Take of California red-legged frogs, least Bell's vireos, and southwestern willow flycatchers incidental to the aforementioned activities is unlikely; however, it is possible that in the course of such activities or other lawful activities on the enrolled property, the Applicant could incidentally take California red-legged frog, least Bell's vireo, and southwestern willow flycatcher, thereby necessitating take authority under the permit.

Pre-Agreement conditions (baseline) have been determined for each enrolled property based on the occurrence of California red-legged frog, least Bell's vireo, and southwestern willow flycatcher and the extent of suitable habitat as provided in the Agreement. The Applicant must maintain baseline on an enrolled property in order to receive coverage regarding incidental take of California red-legged frogs, least Bell's vireos, and southwestern willow flycatchers. The Agreement and requested permit would allow the Applicant to return to baseline conditions after the end of the term of the Agreement and prior to the expiration of the 30-year permit, if so desired by the Applicant.

Public Review and Comments

The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). We explain the basis for this determination in an Environmental Action Statement, which also is available for public review.

Individuals wishing copies of the permit application, copies of our draft Environmental Action Statement, and copies of the Agreement, including a map of the proposed permit area, should contact the Ventura Fish and Wildlife Office (see **ADDRESSES**).

If you wish to comment on the permit application or the Agreement, you may submit your comments to the address listed in the **ADDRESSES** section of this document. Comments and materials received, including names and addresses of respondents, will be available for public review, by appointment, during normal business hours at the address in the **ADDRESSES**

section above and will become part of the public record, under section 10(c) of the Act. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name or address or both, you must state this prominently at the beginning of your comment. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, are available for public inspection in their entirety.

We will evaluate this permit application, associated documents, and comments we receive to determine whether the permit application meets the requirements of section 10(a) of the Act and NEPA regulations. If we determine that the requirements are met, we will sign the proposed Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Act to the Applicant for take of the California red-legged frog, the least Bell's vireo, and the southwestern willow flycatcher incidental to otherwise lawful activities in accordance with the terms of the Agreement. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments we receive during the comment period.

The Service provides this notice under section 10(c) of the Act and under implementing regulations for NEPA (40 CFR 1506.6).

Dated: December 2, 2009.

Diane K. Noda,

Field Supervisor, Ventura Fish and Wildlife Office.

[FR Doc. E9-29354 Filed 12-8-09; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-636]

In the Matter of Certain Laser Imageable Lithographic Printing Plates; Issuance of a Limited Exclusion Order and 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 issued a limited exclusion order directed to infringing laser imageable lithographic printing plates.

FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3042. 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 investigation was instituted on March 13, 2008, based on a complaint filed by Presstek, Inc. of Hudson, New Hampshire ("Presstek"). The complaint alleged 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 laser imageable lithographic printing plates that infringe certain claims of United States Patent Nos. 5,339,737 ("the '737 patent") and 5,487,338 ("the '338 patent") and United States Trademark Registration No. 1,711,005 ("the '005 trademark"). All assertions relating to the '005 trademark were subsequently terminated from the investigation. Certain respondents were also terminated during the course of the investigation. The following respondents remain in the investigation: VIM Technologies, Ltd. of Kibbutz Hanita, Israel; Hanita Coatings RCA, Ltd. of Kibbutz Hanita, Israel; Guaranteed Service & Supplies, Inc. of West Bend, Wisconsin; AteCe Canada of Toronto, Ontario, Canada; Recognition Systems, Inc. of Port Washington, New York; and Spicers Paper, Inc. of Santa Fe Springs, California (collectively, "Respondents").

On July 24, 2009, the ALJ issued a final initial determination ("ID") finding the domestic industry requirement

satisfied, finding a violation of section 337 and containing a recommended determination on remedy and bonding. The ALJ recommended that, in the event the Commission finds a violation of section 337, the Commission should issue a limited exclusion order directed to all of Respondents' accused products found to infringe the '737 and '338 patents. ID at 101–104. The ALJ further recommended that if the Commission imposes a remedy following a finding of violation, Respondents should be required to post a bond of 100 percent of the entered value of accused products imported during the Presidential review period. *Id.*

Respondents filed a combined petition for review of the ID, and Presstek and the Commission Investigative Attorney ("IA") filed oppositions thereto. On September 24, 2009, the Commission determined to review certain aspects of the ID relating to claim construction and to modify the ID by supplementing the claim construction analysis. 74 FR 49890 (Sept. 29, 2009). The Commission also requested written submissions on the issues of remedy, the public interest and bonding, and further requested submissions of proposed remedial orders. *Id.*

On October 5, 2009, Respondents filed a collective brief on the issues for which the Commission requested written submissions. Presstek and the IA filed their briefs on those same issues on October 6, 2009, and on October 13, 2009, Presstek filed a response to Respondents' brief.

Having reviewed the record in this investigation, including the ID and the parties' written submissions, the Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of laser imageable lithographic printing plates that infringe one or more of claims 1, 10 and 27 of the '737 patent or claims 20, 21 and 23 of the '338 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Respondents.

The Commission further determines that the public interest factors enumerated in section 337(d) (19 U.S.C. 1337(d)) do not preclude issuance of the limited exclusion order. Finally, the Commission determines that no bond is required to permit temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) of the laser imageable lithographic printing plates that are subject to the order. The Commission's order and opinion were delivered to the President

and to the United States Trade Representative on the day of their issuance.

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 sections 210.50 of the Commission's Rules of Practice and Procedure, 19 CFR 210.50.

By order of the Commission.

Issued: November 30, 2009.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. E9–29287 Filed 12–8–09; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–693]

In the Matter of Certain Foldable Stools; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 6, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of B & R Plastics, Inc. of Denver, Colorado. The complaint alleges violations 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 foldable stools by reason of infringement of U.S. Patent No. D460,566. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the

Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <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>.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2575.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2009).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 3, 2009, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain foldable stools by reason of infringement of the claim of U.S. Patent No. D460,566, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

B & R Plastics, Inc., 4550 Kingston Street, Denver, CO 80239.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served: Ningbo ZhongTian Co., Ltd., 23F/B Hai Hong Building No. 12, Huai Shu Xiang, Ningbo, China.

Ningbo Ningfeng Import and Export Co. Ltd., 23F Hai Hong Building No. 12, Huaishu Xiang, Ningbo, Zhejiang, China.

Kikkerland Design, Inc., 423–427 West 127th Street, New York, NY 10027. abc Distributing Inc., 2800 Lakeside Drive, Bannockburn, IL 60015. Always Something Brilliant, 6720 East 47th Avenue Drive, Denver, CO 80216.

Amazon.com, Inc., 1200 12th Ave. South, Ste. 1200, Seattle, WA 98144–2734.

Bed Bath & Beyond Inc., 650 Liberty Avenue, Union, NJ 07083, Buy.com