

as appropriate, in accordance with local protocol and procedures. This notice is one component of our overall coordination and consultation process to provide notice to, and request comments from, these entities when we adjust irrigation assessment rates.

#### Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use (Executive Order 13211)

The rate adjustments will have no adverse effects on energy supply, distribution, or use (including a shortfall in supply, price increases, and increase use of foreign supplies) should the proposed rate adjustments be implemented. This is a notice for rate adjustments at BIA-owned and operated irrigation projects, except for the Fort Yuma Irrigation Project. The Fort Yuma Irrigation Project is owned and operated by the Bureau of Reclamation with a portion serving the Fort Yuma Reservation.

#### Regulatory Planning and Review (Executive Order 12866)

These rate adjustments are not a significant regulatory action and do not need to be reviewed by the Office of Management and Budget under Executive Order 12866.

#### Regulatory Flexibility Act

These rate adjustments are not a rule for the purposes of the Regulatory Flexibility Act because they establish "a rule of particular applicability relating to rates." 5 U.S.C. 601(2).

#### Unfunded Mandates Reform Act of 1995

These rate adjustments do not impose an unfunded mandate on State, local, or tribal governments in the aggregate, or on the private sector, of more than \$130 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. Therefore, the Department is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*).

#### Takings (Executive Order 12630)

The Department has determined that these rate adjustments do not have significant "takings" implications. The rate adjustments do not deprive the public, State, or local governments of rights or property.

#### Federalism (Executive Order 13132)

The Department has determined that these rate adjustments do not have significant Federalism effects because

they will not affect the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

#### Civil Justice Reform (Executive Order 12988)

In issuing this rule, the Department has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988.

#### Paperwork Reduction Act of 1995

These rate adjustments do not affect the collections of information which have been approved by the Office of Information and Regulatory Affairs, Office of Management and Budget, under the Paperwork Reduction Act of 1995. The OMB Control Number is 1076-0141 and expires August 31, 2009.

#### National Environmental Policy Act

The Department has determined that these rate adjustments do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370(d)).

#### Information Quality Act

In developing this notice, we did not conduct or use a study, experiment, or survey requiring peer review under the Information Quality Act (Pub. L. No. 106-554).

Dated: October 22, 2008.

**George T. Skibine,**

*Acting Deputy Assistant Secretary for Policy and Economic Development—Indian Affairs.*  
[FR Doc. E8-25920 Filed 10-29-08; 8:45 am]

**BILLING CODE 4310-W7-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[F-14875-A, F-14875-A2; AK-965-1410-KC-P]

#### Alaska Native Claims Selection

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

**ACTION:** Notice of decision approving lands for conveyance.

**SUMMARY:** As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving the surface estate in certain lands for conveyance pursuant to the Alaska

Native Claims Settlement Act will be issued to Kugkaktlik Limited. The lands are in the vicinity of Kipnuk, Alaska, and are located in:

Lots 6, 8, and 10, U.S. Survey No. 11316, Alaska.

Containing 73.63 acres.

Lot 8, U.S. Survey No. 11340, Alaska.

Containing 7.90 acres.

Lots 5 and 6, U.S. Survey No. 11368, Alaska.

Containing 3.30 acres.

Lots 12, 13, and 14, U.S. Survey No. 11387, Alaska.

Containing 67.79 acres.

#### Seward Meridian, Alaska

T. 1 S., R. 84 W.,

Secs. 23 to 27, inclusive;

Secs. 33 and 34.

Containing approximately 3,913 acres.

T. 2 S., R. 84 W.,

Secs. 3 to 10, inclusive;

Secs. 16, 17, and 18.

Containing approximately 5,789 acres.

T. 3 S., R. 84 W.,

Secs. 1 to 36, inclusive.

Containing approximately 16,275 acres.

T. 4 S., R. 84 W.,

Secs. 1 to 4, inclusive;

Secs. 9 to 16, inclusive;

Secs. 21 to 28, inclusive.

Containing approximately 8,107 acres.

T. 2 S., R. 85 W.,

Secs. 7 and 8;

Secs. 11 to 15, inclusive;

Secs. 16, 17, and 18;

Sec. 28, those lands formerly within Native allotment application F-18086, Parcel A;

Sec. 33, those lands formerly within Native allotment application F-18081, Parcel B.

Containing approximately 5,409 acres.

T. 3 S., R. 85 W.,

Sec. 6, those lands formerly within Native allotment application F-18080, Parcel B;

Sec. 7, those lands formerly within Native allotment application F-16585, Parcel B.

Containing approximately 160 acres.

T. 4 S., R. 85 W.,

Sec. 1, those lands formerly within Native allotment application F-18159, Parcel B.

Containing approximately 40 acres.

T. 2 S., R. 86 W.,

Sec. 25;

Sec. 28, those lands formerly within Native allotment application F-18110, Parcel A;

Secs. 34, 35, and 36.

Containing approximately 1,927 acres.

T. 3 S., R. 86 W.,

Sec. 32, those lands formerly within Native allotment application F-18089, Parcel C;

Sec. 33, those lands formerly within Native allotment application F-18089, Parcel C.

Containing approximately 78 acres.

T. 4 S., R. 86 W.,

Secs. 14, 15, and 16;

Secs. 21 to 24, inclusive.

Containing approximately 2,121 acres.

Aggregating approximately 43,972 acres.

A portion of the subsurface estate in these lands will be conveyed to Calista

Corporation when the surface estate is conveyed to Kugkaktlik Limited. The remaining lands lie within the Kuskokwim National Wildlife Range, renamed the Clarence Rhode National Wildlife Range, January 16, 1961. The subsurface estate in the refuge lands will be reserved to the United States at the time of conveyance. Notice of the decision will also be published four times in the Tundra Drums.

**DATES:** The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until December 1, 2008 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

**ADDRESSES:** A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504.

**FOR FURTHER INFORMATION, CONTACT:** The Bureau of Land Management by phone at 907-271-5960, or by e-mail at [ak.blm.conveyance@ak.blm.gov](mailto:ak.blm.conveyance@ak.blm.gov). Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

**Robin Middleton,**

*Land Law Examiner, Land Transfer Adjudication II.*

[FR Doc. E8-26027 Filed 10-29-08; 8:45 am]

**BILLING CODE 4310-JA-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-608; Investigation No. 337-TA-612]

### Notice of Commission Determination to Review-in-Part a Final Determination on Violation of Section 337; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding; In the Matter of Certain Nitrile Gloves; and In the Matter of Certain Nitrile Rubber Gloves

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade

Commission has determined to review a portion of the final initial determination ("ID") issued by the presiding administrative law judge ("ALJ") on August 25, 2008, regarding whether there is a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. \* 1337, in the above-captioned consolidated investigation.

**FOR FURTHER INFORMATION CONTACT:**

Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5468. 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 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>. 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 Inv. No. 337-TA-608 on July 6, 2007, based on a complaint filed by Tillotson Corporation d.b.a. Best Manufacturing Company ("Tillotson"). The complaint alleged 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 nitrile gloves by reason of infringement of various claims of United States Patent No. Re. 35,616 ("the '616 patent"). The complaint named over thirty respondents. The Commission instituted a second investigation, Inv. No. 337-TA-612, on August 22, 2007, based on a complaint filed by Tillotson. That complaint also 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 nitrile gloves by reason of infringement of various claims of the '616 patent and named seven respondents. On September 19, 2007, the ALJ consolidated Inv. No. 337-TA-608 with Inv. No. 337-TA-612.

On August 25, 2008, the ALJ issued a final ID and recommended determination on remedy and bonding in the above-referenced consolidated

investigation, finding that the active respondents did not violate section 337. Specifically, he found that the vast majority of accused gloves infringe claims 17, 18, and 19 of the '616 patent, but that nine accused gloves do not infringe the asserted claims. He also concluded that when the patentees amended the claims through a reissue application filed more than two years after the grant of the original patent, they improperly enlarged the scope of the claims, rendering them invalid. The ALJ further concluded that the claims are invalid because the patentees filed a defective reissue declaration when applying for the reissue patent. He rejected other arguments of invalidity and unenforceability. Accordingly, the ALJ concluded that respondents had not violated section 337.

On September 8, 2008, complainant Tillotson filed a petition for review, as did several respondents. On September 16, 2008, respondents filed a response to complainant's petition and complainant filed a response to respondents' petition.

Having examined the record of this investigation, including the ALJ's ID and the submissions of the parties, the Commission has determined (1) to review the ALJ's claim construction of the term "predetermined pressure," (2) to review the ALJ's determination of invalidity for a broadening reissue, (3) to review the ALJ's determination of invalidity for a deficient reissue declaration, (4) to review the ALJ's determination that the claims are not invalid for failure to disclose a best mode, (5) to review the ALJ's determination that the claims are not invalid for lack of enablement, and (6) not to review the ALJ's determinations relating to any of the remaining issues on violation. Finally, the Commission has determined to deny complainant's request for oral argument.

The parties should brief their positions on the issues on review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

1. Before the ALJ and in its petition for review, complainant asserted that the term "predetermined pressure" means "the amount of pressure first exerted on the hand by the glove after the glove is donned." Nevertheless, complainant also states in its petition that the "predetermined pressure" must be determined in advance—a limitation that is omitted from its proposed claim construction. Assuming that the "predetermined pressure" must be determined in advance, what does it