

address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. Before including your address, phone number, e-mail 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.

## II. Background

To help us carry out our conservation responsibilities for affected species, section 10(a)(1)(A), of ESA, as amended (16 U.S.C. 1531 *et seq.*); our ESA regulations in the Code of Federal Regulations (CFR) at 50 CFR 17; the MMPA, as amended (16 U.S.C. 1361 *et seq.*); and our MMPA regulations in the Code of Federal Regulations (CFR) at 50 CFR 18 require that we invite public comment before final action on permit applications. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

## III. Permit Applications

### A. Endangered Species

**Applicant: Lionshare Farm Zoological, LLC, Greenwich, CT; PRT-01671A**

The applicant requests a permit to import a female cheetah (*Acinonyx jubatus*) from DeWildt Cheetah Breeding Centre, South Africa where the individual cheetah was captive bred for the purpose of enhancement of the survival of the species.

**Applicant: Florida Atlantic University/ Div. of Research And Sponsored Programs, Boca Raton, FL; PRT - 212266**

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the permittee's collection for scientific research. This notification covers activities conducted by the applicant for a five year period.

**Applicant: Sam Noble Oklahoma Museum of Natural History, Norman, OK; PRT – 075249**

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of animals previously accessioned into the permittee's collection for scientific research. This notification covers activities conducted by the applicant for a five year period.

B. Endangered Marine Mammals and Marine Mammals

**Applicant: Robert F. Rockwell, American Museum of Natural History, New York, NY; PRT-03086A**

The applicant requests a permit to import up to 1,000 biological samples annually from polar bears (*Ursus maritimus*) from Canada for the purpose of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

**Applicant: Sea Studios Foundation, Monterey, CA; PRT-04400A**

The applicant requests a permit to photograph Southern sea otters (*Enhydra lutris nereis*), both above and under water, for commercial and educational purposes. This notification covers activities to be conducted by the applicant over a 2-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Dated: March 19, 2010

**Brenda Tapia,**

*Program Analyst, Branch of Permits, Division of Management Authority*

[FR Doc. 2010-6672 Filed 3-25-10; 8:45 am]

**BILLING CODE 4310-55-S**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921-167 (Third Review)]

### Pressure Sensitive Plastic Tape From Italy; Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

finding on pressure sensitive plastic tape from Italy would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>2</sup>

## Background

The Commission instituted this review on May 1, 2009 (74 FR 20340) and determined on August 4, 2009, that it would conduct a full review (74 FR 40845, August 13, 2009). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 26, 2009 (74 FR 43155). The hearing was held in Washington, DC, on January 14, 2010, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on March 11, 2010. The views of the Commission are contained in USITC Publication 4128 (March 2010), entitled *Pressure Sensitive Plastic Tape from Italy: Investigation No. AA1921-167 (Third Review)*.

Issued: March 22, 2010.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 2010-6666 Filed 3-25-10; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-648]

### Notice of Commission Decision

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to reverse a remand initial determination ("remand ID") of the presiding administrative law judge ("ALJ"), and to affirm-in-part, reverse-in-part, and modify-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ"). The Commission has determined that there is no violation of section 337 in the above-captioned

<sup>2</sup> Chairman Shara L. Aranoff, Vice Chairman Daniel R. Pearson, and Commissioner Deanna Tanner Okun dissenting.

investigation, and has terminated the investigation. The Commission will issue an opinion shortly.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., 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 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 this investigation on May 21, 2008, based on a complaint filed on April 18, 2008, by LSI Corporation of Milpitas, California and Agere Systems Inc. of Allentown, Pennsylvania. The complaint, as amended, 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 semiconductor integrated circuits using tungsten metallization and products containing the same by reason of infringement of one or more of claims 1, 3, and 4 of U.S. Patent No. 5,227,335. The amended complaint named numerous respondents. Several respondents have been terminated from the investigation due to settlement or failure to name the proper party. The following six respondents remain in the investigation: Tower Semiconductor, Ltd. ("Tower") of Israel; Jazz Semiconductor ("Jazz") of Newport Beach, California; Powerchip Semiconductor Corporation of Taiwan; Grace Semiconductor Manufacturing Corporation of China; Integrated Device Technology, Inc. of San Jose, California; and Nanya Technology Corporation of Taiwan. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337.

On September 21, 2009, the ALJ issued his final ID finding no violation of section 337 by the remaining

respondents. On November 23, 2009, the Commission issued notice of its determination to review-in-part the ID and issued an order remanding the investigation to the ALJ for further proceedings relating to whether claim 4 is rendered obvious by IBM Process A in light of the other prior art asserted by respondents and the Commission investigative attorney ("IA"). Specifically, the Commission determined to review: (1) Invalidity of claims 1, 3, and 4 of the '335 patent under 35 U.S.C. 102(g) & 103 with respect to IBM Process A, IBM Process B, and the AMD prior art; and (2) Jazz's stipulation regarding whether its process meets the complete, third recited step of claim 1, *i.e.*, "depositing a tungsten layer by chemical vapor deposition, said tungsten layer covering said glue layer on said dielectric and said exposed material." The Commission determined not to review the remainder of the ID. Also, the Commission requested written submissions on the ALJ's remand determination and responses to the written submissions, and briefing on remedy, the public interest, and bonding.

On January 15, 2010, the ALJ issued his remand ID finding that claim 4 is not rendered obvious by IBM Process A and other prior art asserted by respondents and the IA. On February 2 and 12, 2010, respectively, complainants and respondents each filed a brief and reply brief on the issues for which the Commission requested written submissions. On February 2 and 16, 2010, respectively, the IA filed a brief and a reply brief on the issues for which the Commission requested written submissions. Also, on February 12, 2010, Tower and Jazz filed a joint, separate reply brief.

Having reviewed the record in this investigation, including the remand and final IDs and the parties' written submissions, the Commission has determined to reverse the remand ID, and affirm-in-part, reverse-in-part, and modify-in-part the final ID. The Commission has determined that there is no violation of section 337 by the remaining respondents. Particularly, the Commission has reversed the ALJ's finding that claim 4 is invalid due to anticipation in view of IBM Process A, but has found claim 4 to be invalid due to obviousness in view of IBM Process A in combination with the other prior art asserted by the IA and respondents. Also, the Commission has affirmed the ALJ's finding that claims 1 and 3 are invalid due to anticipation in view of IBM Process A. The Commission has also modified the ALJ's ruling that Jazz

stipulated to the complete, third recited step of claim 1, and instead it has determined that Jazz's stipulation to the third step only includes the step of "depositing a tungsten layer by chemical vapor deposition." The Commission has determined to take no position on the ALJ's rulings that claims 1 and 3 are not anticipated in view of IBM Process B, claim 1 is not anticipated in view of the AMD prior art, and claims 1, 3, and/or 4 are not obvious in view of IBM Process B or the AMD prior art.

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 section 210.45 of the Commission's Rules of Practice and Procedure (19 CFR 210.45).

By order of the Commission.

Issued: March 22, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-6757 Filed 3-25-10; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Second Modification to Consent Decree Under Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 19, 2010, a Second Modification ("Second Modification") to the November 2005 First Revised Consent Decree ("First Revised Consent Decree") in the case of *United States, et al. v. Marathon Ashland Petroleum LLC*, Civil Action No. 01-40119 (PVG), was lodged with the United States District Court for the Eastern District of Michigan.

Under the Second Modification, MPC must continue to comply with the First Revised Consent Decree, but, in addition, MPC will pay a civil penalty of \$408,000 and perform two Supplemental Environmental Projects valued at approximately \$963,000 at its Canton and Catlettsburg Refineries in settlement of claims that MPC violated the Benzene Waste Operations NESHAP ("BWON"), 40 CFR part 61, subpart FF, and the BWON provisions of the November 2005 First Revised Consent Decree at those two refineries. In addition, MPC will pay a stipulated penalty of \$3,933 to resolve claims involving flaring incidents at the Canton, Catlettsburg, Detroit, and Robinson Refineries. Finally, the Second Modification amends two Appendices to the First Revised Consent Decree to reflect a 2008 regulatory change that EPA made to the New