not possible today without severe airspace impacts.[4]

3. Several commentors disagreed with including or excluding flights above 17,999 feet MSL in the clarification or implied that the Notice misstates and overstates the consideration of high altitude overflights in the 1995 Report to Congress. One said that clarification on high-altitude flights is needed from Congress rather than from the NPS; another stated that rerouting commercial overflights (non-sightseeing) above 17,999 feet MSL is not covered by the Overflights Act and is an otherwise impractical solution for reducing aviation noise.

NPS Response: Consistent with the Overflights Act and a 2002 U.S. Court of Appeals decision, the impacts of all aircraft overflights need to be analyzed. This clarification does not dismiss the impacts of any type of overflight, but it does remove flights above 17,999 feet MSL from consideration when determining the percentage of the park achieving substantial restoration of natural quiet. The Grand Canyon Working Group (GCWG) recommended that the FAA and NPS work together to address these high altitude issues in a manner consistent with the proposed clarification to allow the EIS to proceed. All aircraft noise will be considered in the EIS analysis. The primary effect of the clarification is that aircraft noise from above 17,999 feet MSL will be analyzed in the EIS as part of cumulative effects, while the aircraft noise at and below that level will be analyzed as part of the direct effects of the actions proposed in the EIS alternatives.

4. Two comments were received suggesting that Congress did not intend for the NPS or the FAA to impose regulations on high-altitude flights in order to achieve substantial restoration of natural quiet.

NPS Response: The Overflights Act required a study of all aircraft overflights at GCNP in part to distinguish between the noise impacts produced by various types of aircraft, including commercial aviation. The study resulted in the 1995 Report to Congress which recommended an analysis of how to reduce other adverse impacts from overflights, such as protection of the park experience and public health and safety. Because high altitude commercial aviation overflights make noise and cause impacts to park resources such as the natural soundscape and visitor experience, the GCWG recommended that the FAA and NPS work together to address the high altitude noise separately from low-level air tour, air tour-related, military, and general aviation aircraft overflights (at and below 17,999 feet MSL). The NPS determined that addressing aircraft noise in this manner is consistent with the law, and allows the EIS to proceed. The FAA has jurisdiction over high-altitude flights and has committed to the management actions described above in the NPS Response to Comment #1. In addition, the NPS has the responsibility to manage all park resources, including the natural soundscape.

5. Ten comments were received suggesting that the minimum of 50% of the park that will achieve restoration of natural quiet was too low and should be increased. Additional comments suggest that NPS should maintain the original definition for substantial restoration of natural quiet. Several commentors appeared to be under the impression that NPS was changing the definition of substantial restoration of natural quiet.

NPS Response: NPS is not changing the definition, but merely clarifying it in the Notice. In addition to the clarification related to 17,999 feet MSL, the Notice also clarifies that 50% of the park is a minimum in the restoration goal. The definition of substantial restoration of natural quiet remains as defined in the 1995 NPS Report to Congress. The Notice simply clarifies how the definition will be applied in environmental analysis related to FAA rulemaking actions at GCNP.

6. One comment was received stating that the Notice did not discuss, cite or otherwise disclose the professionally prepared September 2007 analysis/critique of the MITRE Report.[5]

NPS Response: The MITRE report [6] was a key factor in requiring the NPS to clarify the definition to address flights above 17,999 feet MSL, as discussed at 73 FR 19246–19248. The conclusion of the report was that it was unsafe, at the time, to modify national airspace over the park or divert commercial jet traffic off of existing routes that cross over the park and the Special Flight Rules Area (SFRA). FAA made the decision to accept the MITRE report outcome, and to maintain existing national airspace structure and operation over the park and the SFRA. Though the critique and the report itself arrived at different conclusions, the NPS deferred to the FAA as the jurisdictional authority and their decision to support the MITRE study conclusions, and to continue FAA's airspace policies.

7. One comment was received that a change in the definition with regard to high-altitude aircraft noise was unwarranted and imprudent given the current issues facing the aviation industry (i.e., rising fuel prices, climate change concerns).

NPS Response: The NPS is implementing a clarification to the existing definition. Although the larger aviation industry issues are beyond the scope of the **Federal Register** Notice, if appropriate, they will be considered in the EIS impact analysis.

Conclusion

The NPS is not changing the definition of substantial restoration of natural quiet, but merely clarifying the scope and intent of the original definition. This clarification is necessary for the NPS and the FAA to meet the goals of the Overflights Act, and to proceed with assessing aircraft noise impacts in the EIS.

As discussed above, the National Park Service has carefully considered and responded to the comments received. Based on this consideration, the NPS decision is to adopt the clarification of the NPS definition of substantial restoration of natural quiet at Grand Canyon National Park as published at 73 FR 19246–19248.

Dated: July 31, 2008.

Anthony J. Schetzsle,

Deputy Director, Intermountain Region, National Park Service.

[FR Doc. E8–22343 Filed 9–23–08; 8:45 am]

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[4] Elwell, D. 2007. Personal communication with D. Verhey, letter dated March 6. U.S. Department of Transportation, Federal Aviation Administration.

[5] Sierra Club. Independent Review: Study for Grand Canyon Working Group (MITRE report critique). 2007. September.

[6] Abrahamsen, T.R., G.F. Marani, and R. Bearer. 2006. *Impact on Restricting Flights from Grand Canyon Airspace.* The MITRE Corporation CAASD for the Federal Aviation Administration and National Park Service, Report No. F063–B06–050, presented to the Grand Canyon Working Group, September.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–622]

In the Matter of Certain Base Plugs; Notice of Commission Decision Not to Review an Initial Determination Granting a Joint Motion To Terminate Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination

(''ID'') (Order No. 6) granting a joint motion to terminate the above-captioned investigation as to all Respondents.

FOR FURTHER INFORMATION CONTACT: Jonathan J. Engler, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205–3112. Copies of the ALJ's IDs and all other 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: On December 19, 2007, the Commission instituted this investigation, based on a complaint filed by Anchor Sports I, Inc. of Richardson, Texas (''Anchor''). The complaint, as supplemented, alleges 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 base plugs by reason of infringement of certain claims of U.S. Patent No. 6,142,882. The complaint, as supplemented, further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint named two firms as respondents, Schutt Sports, Inc. of Litchfield, Illinois (''Schutt''), and East Texas Sports Center, Inc. (''East Texas'') of Marshall, Texas. The complainant requested that the Commission issue a limited exclusion order and cease and desist orders.

On August 7, 2008, Anchor, Schutt and East Texas filed a joint motion seeking termination of this investigation based upon a settlement agreement. On August 27, 2008, the ALJ issued an initial determination, Order No. 6, terminating the investigation on the basis of the settlement agreement. The ALJ found no indication that termination of the investigation on the basis of the settlement agreement would adversely affect the public interest, and that the procedural requirements for terminating the investigation had been met. No petitions for review were filed.

The Commission has determined not to review the subject ID. 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 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: September 18, 2008.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–22302 Filed 9–23–08; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–458 and 731–TA–1154 (Preliminary)]

Certain Kitchen Appliance Shelving and Racks From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of certain kitchen appliance shelving and racks, provided for in subheadings 7321.90.50, 7321.90.60, 8418.99.80, and 8516.90.80 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Government of China and sold in the United States at less than fair value (LTFV).[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of affirmative preliminary determinations in these investigations under sections 703(b) and 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in these investigations under sections 705(a) and 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigations is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On July 31, 2008, a petition was filed with the Commission and Commerce by Nashville Wire Products Inc., Nashville, TN, SSW Holding Company, Inc., Elizabethtown, KY, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied-Industrial and Service Workers International Union, and the International Association of Machinists and Aerospace Workers, District Loge 6, Clinton, IA., alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of certain kitchen appliance shelving and racks from China allegedly subsidized by the government of China and sold at less than fair value. Accordingly, effective July 31, 2008, the Commission instituted countervailing duty investigation No. 701–TA–458 (Preliminary) and antidumping duty investigation No. 731–TA–1154 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference 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** of August 7, 2008 (73 FR 46033). The conference was held in Washington, DC, on August 21, 2008, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 15, 2008. The views of the Commission are contained in USITC Publication 4035 (September 2008), entitled *Certain Kitchen Appliance Shelving and Racks from China: Investigation Nos. 701–TA–458 and 731–TA–1154 (Preliminary).*

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Deanna Tanner Okun recused herself to avoid any conflict of interest or appearance of a conflict.