

of planning and management issues for public lands in the Lakeview, Burns and Vale BLM Districts and the Fremont-Winema and Malheur National Forests. The Council will conduct a public meeting by teleconference on July 1, 2009 to discuss and come to consensus on the contents of comments to be sent to the BLM's Oregon/Washington State Director on the Draft Environmental Impact Statement for Vegetation Treatments Using Herbicides on BLM Lands in Oregon. The public is welcome to listen to the entire teleconference and make oral comments to the Council from 7:45 p.m. to 8 p.m.

Dated: May 27, 2009.

**Carol A. Benkosky,**

*District Manager, Lakeview District Office.*

[FR Doc. E9-13106 Filed 6-4-09; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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#### Notice of Realty Action: Competitive Sale of Public Lands in Tehama County, CA

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

**ACTION:** Notice of realty action.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to sell a parcel of public land in Tehama County, California, consisting of approximately 80 acres. The sale will be conducted by the United States General Services Administration (GSA) as an online competitive bid auction, at GSA's Web site: <http://www.auctionrp.com>.

Interested bidders must first register to bid either at <http://www.auctionrp.com> or by mail and submit registration deposits, and once registered, may participate in online bidding. Bids must be equal to or greater than the appraised fair market value of the land. The sale will be completed under the authority of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1713 and 1719) and the implementing regulations at 43 CFR 2710 and 2720. The purpose of the sale is to dispose of lands which are difficult and uneconomic to manage.

**DATES:** Comments regarding the proposed sale must be received by BLM on or before July 20, 2009. Bidding will open on or around August 17, 2009 and will continue for at least 30 days. The date for receipt of final bids will be

announced online, with 3 days notice. Bidding may continue beyond the date announced if deemed warranted by GSA due to bidder interest. Other deadline dates for payments, arranging payments, and payment by electronic transfers, are specified in the terms and condition of sale described herein. More specific information on the sale will be contained in an Invitation For Bids which will be available at <http://www.auctionrp.com> or <http://www.propertydisposal.gsa.gov>.

**ADDRESSES:** Written comments regarding the proposed sale should be submitted to BLM, to the attention of the Redding Field Manager, at the following address: Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002. More detailed information regarding the proposed sale and the land involved, including maps and current appraisal, may be reviewed during normal business hours between 8 a.m. and 4 p.m. at the Redding Field Office. GSA's address for purposes of bid registration will be specified in the Invitation For Bids to be available at <http://www.auctionrp.com>.

**FOR FURTHER INFORMATION CONTACT:** Ilene Emry, Realty Specialist (530) 224-2122 or via e-mail at [ilene\\_emry@ca.blm.gov](mailto:ilene_emry@ca.blm.gov).

**SUPPLEMENTARY INFORMATION:** The following described public land in Tehama County, California has been identified as available for disposal under the 1993 BLM Redding Resource Management Plan, as amended, and is proposed for sale:

#### Mount Diablo Meridian

T. 28 N., R. 5 W.,

Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ .

The area described contains approximately 80 acres in Tehama County.

On December 15, 2008, the above-described land was segregated from appropriation under the public land laws, including the mining laws, except the sale provisions of the FLPMA. Until completion of the sale, the BLM is no longer accepting land use applications affecting the identified public land, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregative effect will terminate December 15, 2010, upon issuance of a patent, or publication in the **Federal Register** of a termination of the segregation, unless extended by the BLM State Director in accordance with 43 CFR 2711.1-2(d) prior to the termination date. Proceeds from the sale

will be deposited into the Federal Land Disposal Account, pursuant to the Federal Land Transaction Facilitation Act of July 25, 2000.

The lands identified for sale are considered to have no known mineral value except for oil and gas only, which will be reserved to the United States. All other minerals are considered to have no known mineral value and the proposed sale would include the conveyance of both the surface interests and remaining mineral interests of the United States.

A bid to purchase the land will constitute an application for conveyance of the mineral interests of no known value, excluding oil and gas, and in conjunction with the final payment, the applicant will be required to pay a \$50.00 non-refundable filing fee for processing the conveyance of the mineral interests.

The terms and conditions applicable to this sale are as follows:

1. The lands will be conveyed with the following reservations to the United States:

(a) A reservation of a right-of-way to the United States for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

(b) A reservation of all oil and gas to the United States, together with the right of the United States, its permittees, licensees, and lessees to use the surface of the land to prospect for, mine, and remove the oil and gas under regulations prescribed by the Secretary of the Interior.

2. The lands would be conveyed subject to valid existing rights. The encumbrances of record, if any, appearing in the BLM public files for the parcel proposed for sale, are available for review during the hours stated above, Monday through Friday at the BLM Redding Field Office. As of the date of publication in the **Federal Register**, there are no authorizations on the lands.

3. The lands may also be conveyed subject to such additional easements as may be necessary to authorize existing and proposed roads, public utilities, and flood control facilities based on Tehama County's transportation and land management plans.

4. No warranty of any kind, express or implied, is given by the United States as to the title, physical condition, or potential uses of the lands proposed for sale; and the conveyance will not be on a contingency basis. BLM hereby discloses that its inspection of the property found that approximately 2 acres were previously cleared for an unauthorized corral area and

approximately 5 acres are subject to seasonal flooding due to a dam located down gradient off the property.

BLM is not aware of any dedicated public access to the property and has concluded the property lacks legal access. To the extent required by law, the land will be conveyed subject to the requirements of Section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act, as amended (CERCLA) (42 U.S.C. 9620(h)), and notice is hereby given that the lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, or that hazardous substances have been disposed of or released on the land.

5. All purchasers/patentees, by accepting a patent, covenant and agree to indemnify, defend and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentees or their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the patentees' use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentees and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in:

(a) Violations of Federal, State, and local laws and regulations that are now or may in the future become applicable to the real property;

(b) Judgments, claims, or demands of any kind assessed against the United States;

(c) Costs, expenses, or damages of any kind incurred by the United States;

(d) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interest of the United States;

(e) Activities by which solids or hazardous substances or waste, as defined by Federal and State environmental laws, are generated, released, stored, used, or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or

(f) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcel of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

6. An initial registration deposit of \$5,000 must be provided to GSA to participate in online bidding. The procedure to register and submit the registration deposit for online bidding will be described in detail in the Invitation for Bids to be available at <http://www.auctionrp.com>. Each bid received shall be deemed to be a continuing offer for 90 calendar days after the date of the final bid submittal by a bidder until the bid is accepted or rejected by the Government. If the Government desires to accept any bid after the expiration of the 90 calendar days, the consent of the bidder shall be obtained prior to such expiration.

7. The highest qualifying bid will be declared the high bid and the high bidder will receive written notice. The high bidder will be required to secure his bid with a bid deposit of cash funds equal to 10% of the bid amount within 10 days of being notified that the United States has accepted his bid. The high bidder's \$5,000 registration deposit will be applied to make up a portion of the required 10% bid deposit. Bid results will also be posted on the Internet at GSA's Web site: <http://www.auctionrp.com>.

8. The remainder of the full bid price must be paid within 180 calendar days of the award letter, in the form of a certified check, money order, bank draft, or cashier's check made payable in U.S. dollars to the Bureau of Land Management. Personal checks will not be accepted. Failure to pay the full price within the 180 days will disqualify the apparent high bidder and cause the entire bid deposit to be forfeited to the BLM.

9. Registration deposits submitted by unsuccessful bidders will be returned by GSA.

10. The BLM may accept or reject any or all offers, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the BLM authorized officer, consummation of the sale would not be fully consistent with FLPMA or other applicable law or is determined to not be in the public interest.

11. Under Federal law, the public lands may only be conveyed to U.S. citizens 18 years of age or older; a corporation subject to the laws of any State or of the United States; a State, State instrumentality, or political subdivision authorized to hold property,

or an entity legally capable of conveying and holding lands under the laws of the State of California. Certification of qualifications, including citizenship or corporation or partnership, must be provided to the BLM prior to conveyance.

*Additional Information:* If not sold, the lands described in this Notice may be identified for sale later without further legal notice and may be offered for sale by sealed bid, internet auction, or oral auction. In order to determine the value, through appraisal, of the land proposed to be sold, certain extraordinary assumptions may have been made of the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the Bureau of Land Management gives notice that these assumptions may not be endorsed or approved by units of local government.

It is the buyer's responsibility to be aware of all applicable local government policies, laws, and regulations that would affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or projected uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable reviews and approvals by the respective unit of local government for proposed future uses, and any such reviews and approvals will be the responsibility of the buyer. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer. Information concerning the sale, including the reservations, sale procedures and conditions, CERCLA and other environmental documents will be available for review at the BLM Redding Field Office. Most of this information will be available on the Internet at <http://www.blm.gov/ca/st/en/fo/redding>. The general public and interested parties may submit comments regarding the proposed sale to the attention of the BLM Redding Field Manager on or before July 20, 2009. Any adverse comments regarding the proposed sale will be reviewed by the California BLM State Director or other authorized official of the Department, who may sustain, vacate, or modify this realty action in whole or in part. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

(Authority: 43 CFR 2711.1-2(a) and (c))

Dated: April 15, 2009.

**Tom Pogacnik,**

*Deputy State Director, Natural Resources (CA-930).*

[FR Doc. E9-13115 Filed 6-4-09; 8:45 am]

**BILLING CODE 4310-40-P**

## **INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-623]

### **In the Matter of Certain R-134a Coolant (Otherwise Known As 1,1,1,2-Tetrafluoroethane); Notice of Commission Determination To Review the Remand Determination of the Presiding Administrative Law Judge and To Extend the Target Date**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the Remand Determination ("RID") issued by the presiding administrative law judge ("ALJ") in the above-captioned investigation on April 1, 2009. The Commission has also determined to extend the target date for completion of the investigation to August 3, 2009.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5432. 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 December 31, 2007, based on a complaint filed by INEOS Fluor Holdings Ltd., INEOS Fluor Ltd., and INEOS Fluor Americas LLC (collectively, "Ineos"). 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 R-134a coolant (otherwise known as 1,1,1,2-tetrafluoroethane) by reason of infringement of various claims of United States Patent No. 5,744,658. Complainants subsequently added allegations of infringement with regard to United States Patent Nos. 5,382,722 and 5,559,276 ("the '276 patent'"), but only claim 1 of the '276 patent remains at issue in this investigation. The complaint named two respondents, Sinochem Modern Environmental Protection Chemicals (Xi'an) Co., Ltd. and Sinochem Ningbo Ltd. Two additional respondents were subsequently added: Sinochem Environmental Protection Chemicals (Taicang) Co., Ltd. and Sinochem (U.S.A.) Inc. The four respondents are collectively referred to as "Sinochem."

On December 1, 2008, the ALJ issued his final ID, finding that Sinochem had violated section 337. He concluded that respondents' accused process infringed claim 1 of the '276 patent and that the domestic industry requirement had been met. He also found that claim 1 was not invalid and that it was not unenforceable. The Commission determined to review the ALJ's final ID with regard to the effective filing date of the asserted claim, anticipation, and obviousness, to supplement the ALJ's reasoning regarding the effective filing date, and to remand the investigation to the ALJ to conduct further proceedings related to anticipation and obviousness. To accommodate the remand, the Commission extended the target date to June 1, 2009 and instructed the ALJ to issue the RID by April 1, 2009.

The ALJ issued the RID on April 1, 2009. The RID concluded that Sinochem's arguments concerning anticipation and obviousness were waived under the ALJ's ground rules and, alternatively, that the arguments were without merit. Sinochem filed a petition for review of the RID. The Commission investigative attorney ("IA") and Ineos opposed Sinochem's petition. Subsequently, Sinochem filed a motion to strike and for leave to file a reply to Ineos's and the IA's oppositions.

Having examined the record of this investigation, including the ALJ's RID and the submissions of the parties, the Commission has determined to review the RID in its entirety.

*To assist in its review, and in order to more fully analyze Sinochem's "admission"-based arguments, the Commission is interested in receiving further briefing on the following questions:*

(1) Based upon the undisputed scope and content of the prior art as set forth in the '276 patent specification and as presented by the expert witnesses at trial, what differences exist between the prior art and claim 1 of the '276 patent?

(2) Based on your answer to question (1), would claim 1 have been obvious in light of the remand references to a person of ordinary skill in the art under *KSR International, Co. v. Teleflex Co.*, 550 U.S. 398 (2007)?

(3) Are the ALJ's conclusions regarding waiver consistent with Commission Rule 210.14(c)? If not, what is the effect on the ALJ's conclusions in the remand determination?

(4) Does the exception to the ALJ's ground rule reciting that "contentions of which a party is not aware and could not be aware in the exercise of reasonable diligence at the time of filing the pre-hearing statements" apply to Respondents' contentions regarding admissions elicited during the hearing? If so, what is the effect on the ALJ's conclusions in the remand determination?

The Commission has determined to extend the target date for completion of this investigation to August 3, 2009, in order to provide adequate time for review of the RID. The Commission has determined to deny as moot Sinochem's motion to strike and for leave to file a reply.

*Written Submissions:* The parties to the investigation are requested to file written submissions on the issues under review. The submissions should be concise and thoroughly referenced to the record in this investigation, including references to exhibits and testimony. The written submissions must be filed no later than close of business on June 15, 2009. Reply submissions must be filed no later than the close of business on June 25, 2009. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential