

consists of a reservoir sized at approximately 159 acre feet, to contain a 100-year, 24-hour flood event associated with the Pearson Creek drainage. This reservoir is needed to prevent saturation and potential failure of the highwall and/or flooding into the pit which would not only slow or stop coal production but expose mine personnel to a health and safety hazard. The topsoil stripped from the coal leases would be stockpiled on the subject lands to be used in reclamation after mining. The overburden removed from the pit would also be stockpiled on the subject lands to be used in post-mining topography construction. An electric line and distribution station would be located within the use area to keep it safely away from the pit and grading activity and buffered by the access/haul roads which will be used in the mining process and to service the stockpiles.

The proposed land use lease amendment consists of 160 acres in the E $\frac{1}{2}$  of section 35, T. 8 S., R. 39 E., and 37.12 acres in lot 5 of section 6, T. 9 S., R. 40 E. The total disturbed area in section 35 is estimated to be 108.90 acres with the remaining 51.10 acres receiving a 10 percent usage. The total disturbed area in section 6 is estimated to be 21.20 acres with the remaining 15.92 acres receiving a 10 percent usage.

The subject land could be offered noncompetitively to Spring Creek Coal Company as an amendment to their existing Land Use Lease MTM-74913 for stockpiling of topsoil and overburden, construction of a haul road, and for drainage control, for their current coal mining operation. The proposed land use lease amendment, which would be authorized under the authority of section 302 of the Federal Land Policy and Management Act (43 U.S.C. 1732) and pursuant to regulations found at 43 CFR 2920, would provide authorized surface use only of the public land and would be subject to the terms and conditions of the existing lease. No mineral use would be authorized under this land use lease amendment, however Spring Creek Coal Company has applied for a modification of coal lease MTM-069782 which is being processed concurrently (under regulations found at 43 CFR 3432) with the land use lease amendment.

The application will be accepted for this land use lease amendment at the address listed above at the end of the 45 day comment period for this notice. The application will be subject to reimbursement of costs in accordance with the provisions of 43 CFR 2920.6. The land would be leased at fair market value as determined by appraisal and as provided for at 43 CFR 2920.8. The

application must include a reference to this notice and a complete description of the proposed project. An environmental analysis will be completed addressing this proposed land use lease amendment, along with the proposed coal lease modification, after publication of this notice and comment period. A National Environmental Policy Act analysis will be completed prior to any decision by the BLM to approve the proposed application for a land use lease amendment and coal lease modification.

*Public Comment Procedures:* Please submit your comments on issues related to the proposed action, in writing, according to the **ADDRESSES** section above. Comments on the proposed action should be specific, should be confined to issues pertinent to the proposed action, and should explain the reason for any recommended change. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing. The BLM may not necessarily consider or include in the Administrative Record comments that the BLM receives after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names and street addresses of respondents, will be available for public review at the BLM Miles City Field Office address listed in **ADDRESSES** above during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comments, 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 your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Any adverse comments will be evaluated by the BLM Montana State Director, who may sustain, vacate or modify this realty action. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

**Authority:** 43 CFR 2920.4(c).

**M. Elaine Raper,**

*Field Office Manager.*

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-660]

### Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on a Settlement Agreement and Withdrawal of the Complaint; Request for Briefing on Bonding and the Public Interest; In the Matter of Certain Active Comfort Footwear

**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 an initial determination (“ID”) (Order No. 12) of the presiding administrative law judge (“ALJ”) granting motions for termination of the investigation; based on a settlement agreement and withdrawal of the complaint. The Commission has also requested briefing on remedy, bonding, and the public interest in connection with issuing a default limited exclusion order.

**FOR FURTHER INFORMATION CONTACT:** Mark B. Rees, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3116. Copies of the ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202-205-1810. 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>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 25, 2008, based on the complaint of Masai Marketing & Trading AG of Romanshorn, Switzerland and Masai USA Corp. of Haley, Idaho (“Complainants”). 73 FR 73884 (Nov. 25, 2008). The complaint, as supplemented, alleges 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 active comfort footwear that infringes certain claims of U.S. Patent No. 6,341,432. Complainants named as respondents RYN Korea Co., Ltd. of Seoul, Korea (RYN); Main d/b/a *WalkingShoesPlus.com* of Los Angeles, California (“WalkingShoesPlus”); and Feet First Inc. of Boca Raton, Florida (“Feet First”). The Tannery of Cambridge, Massachusetts and A Better Way to Health of West Melbourne, Florida were subsequently added as respondents in the investigation by an unreviewed ID. 74 FR 11378 (Mar. 17, 2009).

On May 21, 2009, the Commission determined not to review an ID (Order No. 6) finding *WalkingShoesPlus* and Feet First in default for failure to respond to the complaint and notice of investigation.

On July 13, 2009, the ALJ issued the subject ID (Order 12), terminating the investigation based on a settlement agreement as to RYN and withdrawal of the complaint as to the remaining respondents. No party petitioned for review of the subject ID.

The Commission has determined not to review the ID.

Section 337(g)(1), 19 U.S.C. 1337(g)(1) and Commission Rule 210.16(c), 19 U.S.C. 210.16(c) authorize the Commission to order relief against respondents found in default unless, after consideration of the public interest, it finds that such relief should not issue. Complainants did not file a declaration stating that they were seeking a general exclusion order as provided in Commission Rule 210.16(c).

*In conjunction with the final disposition of this investigation, therefore, the Commission may:* (1) Issue an order that could result in the exclusion of articles manufactured or imported by the defaulting respondents; and/or (2) issue a cease and desist order that could result in the defaulting respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than for consumption, they should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360,

USITC Pub. 2843 (Dec. 1994) (Comm’n Op.).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) The public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission’s action. See Presidential Memorandum of July 21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of the public interest, and bonding. Complainants and the Commission investigative attorney are also requested to submit proposed remedial orders for the Commission’s consideration. Complainants are also requested to state the HTSUS numbers under which the accused products are imported and the date on which the patent at issue expires. Main written submissions must be filed no later than close of business on August 24, 2009. Reply submissions must be filed no later than the close of business on August 31, 2009. No further submissions on any of 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 treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the

Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 210.16 and 210.42–46 of the Commission’s Rules of Practice and Procedure (19 CFR 210.16; 210.42–46).

By order of the Commission.

Issued: August 5, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-649]

### Notice of Commission Determination Not To Review an Initial Determination Granting Complainant’s Motion To Terminate the Investigation; Termination of Investigation; In the Matter of Certain Semiconductor Chips With Minimized Chip Package Size and Products Containing Same (IV)

**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 an initial determination (“ID”) (Order No. 25) of the presiding administrative law judge (“ALJ”) granting complainant Tessler, Inc.’s motion to terminate the investigation.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. Copies of the ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on 202–205–1810. General information