

**FOR FURTHER INFORMATION CONTACT:**

Brenda Tapia, (703) 358-2104 (telephone); (703) 358-2280 (fax); [DMAFR@fws.gov](mailto:DMAFR@fws.gov) (e-mail).

**SUPPLEMENTARY INFORMATION:****I. Public Comment Procedures***A. How do I request copies of applications or comment on submitted applications?*

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an e-mail or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (*see* **DATES**) or comments delivered to an address other than those listed above (*see* **ADDRESSES**).

*B. May I review comments submitted by others?*

Comments, including names and street addresses of respondents, will be available for public review at the 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, the Endangered Species Act of 1973, section 10(a)(1)(A), as amended (16 U.S.C. 1531 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR 18 require that we invite public comment before final action on these 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:* Earl Bruno, Eden, TX; PRT-28015A

The applicant requests a permit for interstate and foreign commerce, export and cull of excess barasingha (*Rucervus duvauceli*) from their captive herd for the purpose of enhancement of the survival of the species in the wild. This notification covers activities to be conducted by the applicant over a 5-year period.

*Applicant:* Los Angeles Zoo, Los Angeles, CA; PRT-106091

The applicant requests renewal of their permit to import live captive born juvenile peninsular pronghorns (*Antilocapra americana peninsularis*) from Mexico, for the purpose of enhancement of the survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period

*Applicant:* Natural History Museum of Los Angeles, Los Angeles, CA; PRT-30660A

The applicant requests a permit to export and re-import nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

*Multiple Applicants*

The following applicants each request a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under

the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* John Estes, Abilene, TX; PRT-29150A

*Applicant:* Timothy Reiger; Leesport, PA; PRT-28789A

*Applicant:* Gary Bailey, Williams, MN; PRT-23847A

*B. Endangered Marine Mammals and Marine Mammals*

*Applicant:* Thomas A. Postel, Minneola, FL; PRT-19806A

On September 23, 2010, we published a **Federal Register** notice inviting the public to comment on this application for a permit to conduct certain activities with endangered species (75 FR 57977). The applicant subsequently submitted additional information in support of his application; therefore, we are reopening the comment period. The applicant requests a permit to photograph Florida manatees (*Trichechus manatus*) above and underwater for commercial and educational purposes. This notification covers activities to be conducted by the applicant over a 1-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: December 10, 2010.

**Brenda Tapia,**

*Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

[FR Doc. 2010-31591 Filed 12-15-10; 8:45 am]

**BILLING CODE 4310-55-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-725]

**In the Matter of Certain Caskets; Notice of Commission Issuance of a Limited Exclusion Order Against Infringing Products of Respondent Found in Default; Termination of Investigation**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order against infringing products of Ataudes Aguilares, S. de R.L. de C.V. of Guadalajara, Mexico ("Ataudes Aguilares"), which was previously found in default, and has terminated the above-captioned

investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337).

**FOR FURTHER INFORMATION CONTACT:**

Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2301. 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 July 8, 2010, based on a complaint filed by Batesville Services, Inc. of Batesville, Indiana ("Batesville"). 75 FR 16837-38 (July 8, 2010). The complaint alleges 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 caskets by reason of infringement of certain claims of U.S. Patent Nos. 5,611,124; 5,727,291; 6,836,936; 6,976,294; and 7,340,810. The Commission's notice of investigation named Ataudes Aguilares as the lone respondent.

On August 12, 2010, Batesville moved, pursuant to Commission Rule 210.16(b) (19 CFR 210.16(b)), for an order to show cause why Ataudes Aguilares should not be found in default for failure to respond to the Complaint and Notice of Investigation and for a finding of default upon the failure to show cause. On August 19, 2010, the Commission investigative attorney ("IA") filed a response in support of the motion. The presiding administrative law judge ("ALJ") issued the requested order, instructing Ataudes Aguilares to show cause, no later than the close of business on September 21, 2010, why it should not be found in default. Order No. 4 (Aug. 31, 2010). No response to Order No. 4 was filed, and the ALJ subsequently issued an initial determination ("ID") finding Ataudes Aguilares in default. Order No. 5 (Sept.

24, 2010). The Commission determined not to review the ID and issued a Notice requesting briefing from interested parties on remedy, the public interest, and bonding. 75 FR 65379-80 (Oct. 22, 2010).

The IA and Batesville submitted briefing responsive to the Commission's request on November 3 and 4, 2010, respectively. Each proposed a limited exclusion order directed to Ataudes Aguilares's accused products and recommended allowing entry under a bond of 100 percent of the entered value during the period of Presidential review.

The Commission found that the statutory requirements of section 337(g)(1)(A)-(E) (19 U.S.C. 1337(g)(1)(A)-(E)) were met with respect to the defaulting respondent. Accordingly, pursuant to section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission rule 210.16(c) (19 CFR 210.16(c)), the Commission presumed the facts alleged in the complaint to be true.

The Commission has determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry of certain caskets that are manufactured abroad by or on behalf of, or imported by or on behalf of, respondent Aguilares by reason of infringement of claims 1, 13, 27, and 44-53 U.S. Patent No. 5,611,124; claims 1, 6, 8, 9, 16, 17, 19, and 21 of U.S. Patent No. 5,727,291; claims 1 and 2 of U.S. Patent No. 6,836,936; claims 1, 2, 5-8, 11, and 12 of U.S. Patent No. 6,976,294; and claims 1, 2, 4, and 5 of U.S. Patent No. 7,340,810. The Commission further determined that the public interest factors enumerated in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the limited exclusion order. Finally, the Commission determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

The Commission has terminated this investigation. 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 sections 210.16(c) and 210.41 of the Commission's Rules of Practice and Procedure (19 CFR 210.16(c) and 210.41).

By order of the Commission.

Issued: December 13, 2010.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 2010-31647 Filed 12-15-10; 8:45 am]

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**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree Under the Clean Air Act**

Notice is hereby given that on December 10, 2010, a proposed Consent Decree (the "Decree") in *United States and Puget Sound Clean Air Agency v. U.S. Oil & Refining Co.*, Case No. 3:10-cv-05899, was lodged with the United States District Court for the Western District of Washington.

In a complaint filed on the same day, the United States alleged that U.S. Oil & Refining Co. ("U.S. Oil") was liable for violations at its refinery in Tacoma, Washington, pursuant to Section 113(b), 42 U.S.C. 7413(b). Specifically, the complaint alleges that U.S. Oil violated the National Emission Standards for Hazardous Air Pollutants for Benzene Waste Operations (the "Benzene NESHAP"), 40 CFR part 61, Subpart FF, the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries concerning leak detection and repair (the "LDAR regulations"), 40 CFR part 63, Subpart CC, and the National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries concerning emissions from catalytic reforming units and sulfur recovery plants, 40 CFR part 63, Subpart UUU. The complaint also alleges violations of Title V of the Clean Air Act, 42 U.S.C. 7661-7661f.

Pursuant to the Decree, U.S. Oil will: (1) Pay a civil penalty of \$230,000; (2) implement at least \$746,000 in supplemental environmental projects; (3) enhance U.S. Oil's Benzene NESHAP compliance program; and (4) implement measures, in addition to compliance with the LDAR regulations, to minimize or eliminate fugitive emissions from components in the light liquid and gaseous service in its refinery.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States and Puget Sound Clean Air*