the unique ability to quickly jettison their spoils cargo and regain thousands of tons of buoyancy. Therefore, the full freeboard for unrestricted ocean operation is unnecessary during dredging operations. Permitting the dredge to operate at a reduced freeboard (*i.e.,* to submerge its marks) under relatively benign weather conditions allows it to safely carry more spoils per run, thereby increasing its efficiency. Based on that consideration, there are two special reduced freeboard exemption regimes that have been developed for qualified hopper dredges.

The first regime was established in 1989 for United States dredges operating in domestic waters, when the Coast Guard promulgated the "working freeboard" load line regulations in 46 CFR 44.300 through 44.340. In order to qualify for the reduced "working freeboard" assignment, a dredge must meet several design and equipment requirements: intact and two-compartment damage stability, remote draft indicators, ability to jettison spoils under emergency conditions, etc. When dredging at the reduced freeboard, it is operationally restricted to locations within 20 nautical miles from a place of refuge, seas not exceeding 10 feet and winds not exceeding 35 knots. Under these conditions, the dredge can be assigned a reduced "working freeboard" of 50% of its normal freeboard assignment.

Several United States hopper dredges have qualified for this domestic "working freeboard" assignment over the 20 years that the regime has been in existence. The Coast Guard has now reviewed this domestic regime and determined that it is equally suitable for international service. For purposes of ICLL assignment, dredges that meet the "working freeboard" criteria of 46 CFR 44.300 embody "novel features" as contemplated by ICLL Article 6(2) (discussed above). When operated in conjunction with appropriate weather restrictions, they may safely operate at the reduced freeboard. Therefore, in accordance with the ICLL Article 6(2) and 46 CFR 42.03–30, and on a case-by-case basis, the Coast Guard will authorize an ICLL Exemption Certificate that exempts the dredges from ICLL Article 12, which otherwise prohibits submersion of the load line marks.

DR–67 and DR–68

The second reduced freeboard regime for hopper dredges was established in 2001 by a joint European working group of classification societies, the dredging industry, the shipbuilding industry, and regulatory officials from Belgium, France, Germany, the Netherlands, and the United Kingdom. Their exemption regime is titled "Guidelines for the Construction and Operation of Dredges Assigned Reduced Freeboards," but is generally referred to as "DR–67." Like the United States "working freeboard" regime, DR–67 sets out similar design and equipment requirements. However, DR–67 differs from the United States regime in that it is more flexible in its weather restrictions, and can allow up to a 66% reduction in freeboard under sufficiently benign conditions.

The European working group has revised and updated DR–67; the new revision is referred to as "DR–68." The Coast Guard participated in this revision effort to ensure that DR–68 is consistent with United States safety concerns and in order to provide United States dredge operators with an alternative approach for reduced freeboard assignment. Therefore, in accordance with the ICLL Article 6(2) and 46 CFR 42.03–30, and on a case-by-case basis, the Coast Guard will authorize an ICLL Exemption Certificate that exempts the dredges from ICLL Article 12, which otherwise prohibits submersion of the load line marks.

ICLL Equivalents for Hopper Dredges and Barges: Hatch Covers

Ordinarily, load line regulations require hatch openings to be closed by weathertight hatch covers, since conventional cargo ships cannot survive extensive flooding of their cargo holds. However, some open hopper vessels (such as dredges, dump scows, etc.) can be designed to maintain adequate buoyancy and stability even with flooded hoppers. For such vessels, this stability characteristic provides an equivalent level of safety to the hatch covers; therefore, hatch covers are unnecessary and may actually interfere with other aspects of the vessel design.

In accordance with the ICLL Article 8 and 46 CFR 42.03–20, the Coast Guard will, on a case-by-case basis, approve equivalent arrangements from ICLL Regulation 14 (requirement for hatch covers).

Coast Guard Notifications to IMO

As required by the Convention, the Coast Guard has already submitted the requisite notifications to IMO. These documents, as well as copies of DR–67 and DR–68, are posted on-line at: *http://www.regulations.gov* (docket ID number USCG–2010–0618).

Requesting Exemptions and Equivalencies

Owners/operators of hopper dredges or barges desiring an exemption or equivalency using any of the above three standards should contact their load line issuing authority (classification society), who will review the vessel for compliance with the Coast Guard's criteria for the exemption or equivalency. The classification society will then make a recommendation to the Coast Guard Naval Architecture Division (CG–5212) for approval. The mailing address is Commandant (CG–5212), U.S. Coast Guard, 2100 2nd Street, SW., Stop 7126, Washington, DC 20593–7126.

This notice is issued under authority of 5 U.S.C. 552 and 46 U.S.C. 5108.

Dated: September 15, 2010.

J.G. Lantz,

Director, Office of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2010–25500 Filed 10–8–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–ES–2010–N192; 70120–1113–0000–C4]

Endangered and Threatened Wildlife and Plants; Notice of Availability of Draft Recovery Plan for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft recovery plan for the southwest Alaska Distinct Population Segment (DPS) of the northern sea otter (*Enydra lutris kenyoni*), listed as threatened under the Endangered Species Act of 1973, as amended (Act). Our recovery plan describes the status, current management, recovery objectives and criteria, and specific actions needed to enable us to delist the southwest Alaska DPS. We request review and comment on our plan from local, State, and Federal agencies and the public. We will also accept any new information on the species' status throughout its range.

DATES: We must receive written comments on or before February 9, 2011. However, we will accept information about any species at any time.

ADDRESSES: Copies of the draft recovery plan are available by request from the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, AK 99503;

telephone 907/786–3800; facsimile 907/786–3816. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339. An electronic copy of the draft recovery plan is also available at: *http://alaska.fws.gov/fisheries/mmm/seaotters/recovery.htm.*

For how to submit comments, see "Request for Public Comments" under **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Douglas M. Burn, Wildlife Biologist, at the above address or telephone number.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Act (16 U.S.C. 1531 *et seq.*). To help guide the recovery effort, we are working to prepare recovery plans for most listed species native to the United States. The Act requires that we develop recovery plans for listed species, unless such a plan would not promote the conservation of a particular species, and that we provide public notice and an opportunity for public review and comment during recovery plan development. Recovery plans describe actions considered necessary for the conservation and survival of the species, establish criteria for reclassifying or delisting listed species, and estimate time and cost for implementing needed recovery measures.

We listed the southwest Alaska DPS of the northern sea otter as threatened on August 9, 2005 (70 FR 46366). For description, taxonomy, distribution, status, breeding biology and habitat, and a summary of factors affecting the species, please see the final listing rule. Critical habitat was designated for this DPS on October 8, 2009 (74 FR 51988).

The southwest Alaska population ranges from Attu Island at the western end of Near Islands in the Aleutians, east to Kamishak Bay on the western side of lower Cook Inlet, and includes waters adjacent to the Aleutian Islands, the Alaska Peninsula, the Kodiak archipelago, and the Barren Islands (see Figure 3 of the February 11, 2004, Proposed Listing Rule; 69 FR 6605). Within this range, sea otters generally occur in nearshore, shallow waters less than 100 meters (m) (328 ft) in depth. This population experienced a rapid decline in abundance of more than 50 percent since the late 1980s. At the time of our 2005 final listing rule, we estimated that the DPS consisted of approximately 42,000 sea otters.

The magnitude of the population decline has varied over the range. In some areas, numbers have declined by more than an order of magnitude, while in other areas no decline has been detected. To address such differences, this recovery plan identifies five management units (MUs) within the DPS: (1) Western Aleutian Islands; (2) Eastern Aleutian Islands; (3) South Alaska Peninsula; (4) Bristol Bay; and (5) Kodiak, Kamishak, Alaska Peninsula.

The cause of the overall decline is not known with certainty, but the weight of evidence points to increased predation, most likely by the killer whale (*Orcinus orca*), as the most likely cause. Predation is therefore considered a threat to the recovery of this DPS; however, other threats—including infectious disease, biotoxins, contaminants, oil spills, food limitation, disturbance, bycatch in fisheries, subsistence harvest, loss of habitat, and illegal take—are also considered in this recovery plan. Threats are summarized in general, and their relative importance is assessed for each of the five MUs. Most threats are assessed to be of low importance to recovery of the DPS; the threats judged to be most important are predation (moderate to high importance) and oil spills (low to moderate importance). Threats from subsistence harvest, illegal take, and infectious disease are assessed to be of moderate importance in the Kodiak, Kamishak, Alaska Peninsula MU, but of low importance elsewhere.

The goal of the recovery program is to control or reduce threats to the southwest Alaska DPS of the northern sea otter to the extent that this DPS no longer requires the protections afforded by the Act and therefore can be delisted. To achieve this goal, the recovery plan identifies three objectives: (1) Achieve and maintain a self-sustaining population of sea otters in each MU; (2) maintain enough sea otters to ensure that they are playing a functional role in their nearshore ecosystem; and (3) mitigate threats sufficiently to ensure persistence of sea otters. Each of these objectives includes explicit criteria to determine if the objective has been met; these are known as "delisting criteria." They stipulate that in order for the DPS to be removed from the Endangered and Threatened Species List, at least three of the five MUs must have met the delisting criteria. Delisting should not be considered, however, if any MU meets the criteria specified for uplisting to endangered. The plan also contains criteria to determine if the DPS should be considered for reclassification as endangered; these are known as "uplisting criteria."

Specific actions to achieve recovery and delisting of the DPS are specified in the recovery action outline and narrative. As demographic characteristics of the population constitute one of the three types of delisting criteria, population monitoring and population modeling are high priorities. Monitoring the status of the kelp forest ecosystem in the Western Aleutian and Eastern Aleutian MUs is also a high priority, as results from such monitoring will be needed to evaluate the ecosystem-based delisting criteria. Other high-priority actions include identifying characteristics of sea otter habitat, and ensuring that adequate oil spill response capability exists in southwest Alaska. As predation is considered to be the most important threat to recovery, additional research on that topic is also a high priority. The recovery implementation schedule provides details regarding the timing, cost, and agencies or entities responsible for implementing each recovery action. The full cost of implementing this recovery plan over the next 5 years is approximately $15M, of which $2.815M is for Priority 1 actions. Securing adequate funding to implement the plan is therefore also a high priority.

Request for Public Comments

We request written comments on the draft recovery plan. All comments received by the date specified in **DATES** will be considered prior to finalization of this recovery plan. If you wish to comment, you may submit your comments and materials concerning this recovery plan by one of these methods:

(1) You may submit written comments and information by mail or facsimile or in person to the Alaska Regional Office at the above address (see **ADDRESSES**).

(2) You may send comments by electronic mail (e-mail) to *r7_mmm_comment@fws.gov.* Please include your name and return address in your e- mail message.

Comments and materials received, as well as supporting documentation used in preparation of the recovery plan, will be available for inspection, during normal business hours at the above Anchorage address (*see* **ADDRESSES**).

We specifically seek comments on the following:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the species;

(2) Additional information concerning the range, distribution, and population size of these species, including the location of any additional populations;

(3) Current or planned activities in the subject area and their possible impacts on these species; and

(4) The suitability and feasibility of the recovery criteria, strategies, or actions described in the draft recovery plan.

Public Availability of Comments

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.

Authority: We developed our draft recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 8, 2010.

Gary Edwards,

Acting Regional Director, Alaska Region, U.S. Fish and Wildlife Service.

[FR Doc. 2010–25538 Filed 10–8–10; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–740]

In the Matter of: Certain Toner Cartridges and Components Thereof; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 20, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Lexmark International, Inc. of Lexington, Kentucky. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toner cartridges and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,337,032 ("the '032 patent"); U.S. Patent No. 5,634,169 ("the '169 patent"); U.S. Patent No. 5,758,233 ("the '233 patent"); U.S. Patent No. 5,768,661 ("the '661 patent"); U.S. Patent No. 5,802,432 ("the '432 patent"); U.S. Patent No. 5,875,378 ("the '378 patent"); U.S. Patent No. 6,009,291 ("the '291 patent"); U.S. Patent No. 6,078,771 ("the '771 patent"); U.S. Patent No. 6,397,015 ("the '015 patent"); U.S. Patent No. 6,459,876 ("the '876 patent"); U.S. Patent No. 6,816,692 ("the '692 patent"); U.S. Patent No. 6,871,031 ("the '031 patent"); U.S. Patent No. 7,139,510 ("the '510 patent"); U.S. Patent No. 7,233,760 ("the '760 patent"); U.S. Patent No. 7,305,204 ("the '204 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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*.

FOR FURTHER INFORMATION CONTACT: Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2599

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on October 5, 2010, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain toner cartridges and components thereof that infringe one or more of claim 1 of the '032 patent; claims 1–3, 32, 33, 36, and 42 of the '169 patent; claims 1 and 2 of the '233 patent; claims 1 and 2 of the '661 patent; claims 1–3 of the '432 patent; claims 1, 2, and 14 of the '378 patent; claims 1 and 2 of the '291 patent; claims 1, 2, 5, 6, 10, and 15 of the '771 patent; claims 1, 2, 7, 10, 11, 14, 15, 17, 22, and 24 of the '015 patent; claims 1–3 and 28 of the '876 patent; claim 1 of the '692 patent; claims 1, 3, 5, 8, and 10 of the '031 patent; claims 1 and 6 of the '510 patent; claims 11, 12, and 14 of the '760 patent; and claims 1, 7, 14, and 15 of the '204 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Lexmark International, Inc., 740 W. New Circle Road, Lexington, KY 40550.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Ninestar Image Co. Ltd., (a/k/a Ninestar Technology Co., Ltd.), No. 63 Mingzhubei Road, Zhuhai 519075, Guangdong, China.

Ninestar Image Int'l, Ltd., No. 63 Mingzhubei Road, Zhuhai 519075, Guangdong, China.

Seine Image International Co. Ltd., Rm. 18, 9/F New Commercial Ctr., 9 on Lai St, Sha Tin, New Territories, Hong Kong.

Ninestar Technology Company, Ltd., 150 Abbott Court, Piscataway, NJ 08854.

Ziprint Image Corporation, 19805 Harrison Avenue, Walnut, CA 91789.

Nano Pacific Corporation, 377 Swift Avenue, South San Francisco, CA 94080.

IJSS Inc. (d/b/a TonerZone.com Inc. and Inkjet Superstore), 1880 Century Park East, #200, Los Angeles, CA 90067.

Chung Pal Shin (d/b/a Ink Master), 16635 Valley View, Cerritos, CA 90703.

Nectron International, Inc., 725 Park Two Drive, Sugarland, TX 77478.

Quality Cartridges Inc., 162 44th Street, Brooklyn, NY 11232.

Direct Billing International Incorporated, (d/b/a Office Supply Outfitter and d/b/a The Ribbon Connection), 5910 Sea Lion Place, Suite 100, Carlsbad, CA 92010.

E-Toner Mart, Inc., 1718 Potrero Avenue, Suite #A, South El Monte, CA 91733.