

b. BLM employees engaged in official duties;

c. Persons specifically authorized by BLM or by law to use, remain on, or occupy lands in the area affected by this notice; or

d. Lawful uses and activities during daylight hours, beginning 30 minutes before official sunrise and ending 30 minutes after official sunset.

### 3.0 Authority

The authority for this closure is found under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733 (a) and 43 CFR 9268.3(d)(1)(i) and 43 CFR 8364.1(a).

### 4.0 Penalties

1. On all public lands, under section 303(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1733(a), 43 CFR 8360.0-7 and 43 CFR 9212.4, any person who violates any of these closures or restrictions on public lands within the boundaries established in this notice may be tried before a United States Magistrate and fined no more than \$1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

2. On public lands within grazing districts (43 U.S.C. 315) and grazing-leased lands (43 U.S.C. 315m), under the Taylor Grazing Act, 43 U.S.C. 315(a), any person who violates these restrictions on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

3. On public lands fitting the criteria in the Sikes Act, 16 U.S.C. 670j(a)(2), any person who violates any of these restrictions on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

4. On public lands within Wild and Scenic River corridors (16 U.S.C. 1281(c) and 16 U.S.C. 3), any person who violates any of these restrictions on public lands within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

5. On public lands within National Monuments and within the criteria found in 16 U.S.C. 433 and respective enabling legislation, any person who violates applicable restrictions within the boundaries established in the rules may be tried before a United States Magistrate and fined no more than \$500.00 or imprisoned for no more than ninety days, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Dated: March 11, 2005.

**Steven Cohn,**

*Acting Field Manager.*

[FR Doc. 05-9090 Filed 5-5-05; 8:45 am]

**BILLING CODE 4310-32-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[SDM 94312]

### Notice of Proposed Withdrawal and Opportunity for Public Meeting; Montana

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

**ACTION:** Notice.

**SUMMARY:** The Secretary of Agriculture has filed a withdrawal application asking the Secretary of the Interior to withdraw from mining 5,170.20 acres of public land, the surface of which is reserved as part of the Black Hills National Forest, Custer County, South Dakota.

**DATES:** Comments and requests for a public meeting must be received by August 4, 2005.

**ADDRESSES:** Comments and meeting requests should be sent to the Forest Supervisor, Black Hills National Forest, 25041 N. Highway 16, Custer, South Dakota 57730, acting at the request of the BLM State Director, Montana, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107.

**FOR FURTHER INFORMATION CONTACT:** Sandra Ward, BLM Montana State Office, 406-896-5052, or Valerie Hunt, Forest Service, Rocky Mountain Region, 303-275-5071.

**SUPPLEMENTARY INFORMATION:** The United States Department of Agriculture, acting through the Forest Service, has filed an application with the Bureau of Land Management to withdraw the following-described public land, the surface of which is reserved as part of the Black Hills National Forest, from location or entry under the United States mining laws, subject to valid existing rights:

### Black Hills National Forest

#### Black Hills Meridian

T. 4 S., R. 2 E.,

Sec. 12, E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ ;

Sec. 13, E $\frac{1}{2}$  and E $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 4 S., R. 3 E.,

Sec. 5, lots 3 to 16, inclusive;

Sec. 6, lots 1 to 5, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ ,

SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 7, lots 3 and 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

Sec. 8, lots 1 to 16, inclusive;

Sec. 9, lots 4 to 8, inclusive, and lots 11 to 14, inclusive;

Sec. 16, lots 4, 5, 8, and 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 17, lots 1 to 14, inclusive;

Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$ , and E $\frac{1}{2}$ W $\frac{1}{2}$ ;

Sec. 19, lots 1 and 2, NE $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 20, lots 1 to 9, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 21, lots 1 to 9 inclusive, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 28, lots 1, 2, and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 29, lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , and NW $\frac{1}{4}$ .

The area described contains 5,170.20 acres in Custer County.

The purpose of the proposed withdrawal is to protect and preserve unique cave resources, including the caverns of great scientific and public interest, located around the Jewel Cave National Monument, one of the largest known cave systems in the world.

The use of a right-of-way or cooperative agreement would not provide adequate protection for this area due to the broad scope and nondiscretionary nature of the general mining laws.

As proposed, the withdrawal would be for a period of 20 years.

No alternative sites are feasible.

No water will be needed to fulfill the purpose of the requested withdrawal.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Forest Supervisor, Black Hills National Forest.

Comments, including names and street addresses of respondents, will be available for public review at the Forest Supervisor's Office, Black Hills National Forest, 25041 N. Highway 16, Custer, South Dakota 57730, during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent

allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Notice is hereby given that there will be at least one public meeting in connection with the proposed withdrawal to be announced at a later date. A notice of the time, place, and date will be published in the **Federal Register** and a local newspaper at least 30 days before the scheduled date of a meeting.

For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated from location or entry under the United States mining laws, unless the application is denied or canceled or the withdrawal is approved prior to that date. The land will remain open to other uses within the statutory authority pertinent to National Forest lands and subject to discretionary approval.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

(Authority: 43 U.S.C. 1714 (b)(1); 43 CFR 2310.3-1(a).)

Dated: February 10, 2005.

**Randy D. Heuscher,**

*Acting Deputy State Director, Division of Resources.*

[FR Doc. 05-9088 Filed 5-5-05; 8:45 am]

BILLING CODE 3410-11-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-499]

### In the Matter of Certain Audio Digital-To-Analog Converters and Products Containing Same; Notice of Commission Determination To Rescind a Limited Exclusion Order

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to rescind the limited exclusion order in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3152. 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. 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 14, 2003, based on a complaint filed on behalf of Cirrus Logic, Inc. of Austin, TX ("Cirrus"). 68 FR 64641 (Nov. 14, 2003). The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain audio digital-to-analog converters and products containing same by reason of infringement of claims 1 and 11 of U.S. Patent No. 6,492,928 ("the '928 patent"). The notice of investigation named Wolfson Microelectronics, PLC of Edinburgh, United Kingdom; and Wolfson Microelectronics, Inc. of San Diego, CA (collectively "Wolfson") as respondents.

On December 29, 2003, the ALJ issued an ID (Order No. 5) granting complainant's motion to amend the complaint and notice of investigation to add allegations of infringement of claims 2, 3, 5, 6, and 15 of the '928 patent, and of claims 9, 12, and 19 of U.S. Patent No. 6,011,501 ("the '501 patent"). 69 FR 4177 (Jan. 28, 2004). On July 1, 2004, the ALJ issued an ID (Order No. 16) granting complainant's motion to terminate the investigation as to claims 1 and 2 of the '928 patent. On July 27, 2004, the ALJ issued an ID (Order No. 24) granting complainant's motion to terminate the investigation in part as to claim 11 of the '928 patent. Orders Nos. 5, 16, and 24 were not reviewed by the Commission.

The ALJ held an evidentiary hearing in the investigation from August 3, 2004, to August 11, 2004, and on November 15, 2004, he issued his final ID finding a violation of section 337 based on his findings that the asserted claims of the '501 patent are infringed, that they are not invalid in view of any prior art, and that claims 9 and 12 of the '501 patent are not invalid because of failure to provide an enabling written description of the claimed invention.

The ALJ found the '928 patent to be unenforceable because the inventors intentionally withheld highly material prior art from the examiner during the prosecution of the '928 patent application at the United States Patent and Trademark Office ("USPTO"). As an independent ground for unenforceability, the ALJ found that the '928 patent is unenforceable because one person was mistakenly listed on the patent as an inventor. The ALJ found that the accused devices infringe the asserted claims of the '928 patent, if enforceable, that the asserted claims of the '928 patent are not invalid in view of any prior art, or because of a failure to provide an enabling written description of the claimed invention, or for failure to disclose the best mode.

On November 23, 2004, the USPTO issued a certificate correcting the inventorship of the '928 patent thereby curing one ground on which the Commission had found the patent unenforceable. On December 30, 2004, the Commission determined to review and reverse the ID's finding that the '928 patent is unenforceable due to incorrect inventorship in view of the issued certificate of correction by the USPTO. 70 FR 1275 (Jan. 6, 2005). It further determined not to review the remainder of the ID, thereby finding a violation of section 337. *Id.*

On February 16, 2005, the Commission determined that the appropriate form of relief is a limited exclusion order prohibiting the importation of Wolfson's audio digital-to-analog converters that infringe claims 9, 12 and 19 of the '501 patent. The limited exclusion order applies to any of the affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or their successors or assigns, of Wolfson.

Complainants Cirrus and respondents Wolfson report that they have now settled all outstanding patent disputes and related actions. Accordingly, on April 4, 2005, pursuant to Commission rule 210.76(a)(1), Cirrus and Wolfson filed a joint petition for rescission of the limited exclusion order issued in the investigation.

Having reviewed the parties' submissions, the Commission has determined that the settlement agreement satisfies the requirement of Commission rule 210.76(a)(1), 19 CFR 210.76(a)(1), for changed conditions of fact or law. The Commission therefore has issued an order rescinding the limited exclusion order previously issued in this investigation.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and section