

*Decision:* As soon as practicable the Seashore will begin to implement as its new Non-Native Deer Management Plan the *Preferred Alternative (Alternative E)* contained in the Draft and Final EIS. The selected plan features a deliberate, long-term strategy targeting eradication of all fallow and axis deer from the Seashore by 2021. A combined program of fertility control (using long-lasting contraceptives) and lethal removal will be instituted, as well as an intensive monitoring program extending for at least 15 years.

As documented in the Final EIS, this course of action was deemed to be "environmentally preferred". The preferred plan and four alternatives were identified and analyzed in the Final EIS, and previously in the Draft EIS (the latter was distributed in February, 2005). The full spectrum of foreseeable environmental consequences was assessed, and appropriate mitigation measures identified, for each alternative. Beginning with early scoping, through the preparation of the Draft and Final EIS, numerous public meetings were hosted. Approximately 2000 oral and written comments were received during the scoping phase or in response to the Draft EIS. Key consultations or other contacts which aided in preparing the Draft and Final EIS involved (but were not limited to) the California Department of Fish and Game, California State Parks, Marin County Parks and Open Space, Marin Municipal Water District, U.S. Dept. of Agriculture Animal Plant Health Inspection Service, and the U.S. Fish and Wildlife Service. Local communities, county and city officials, and interested organizations were contacted extensively during initial scoping and throughout the conservation planning and environmental impact analysis process.

*Copies:* Interested parties desiring to review the Record of Decision may obtain a complete copy by contacting the Superintendent, Pt. Reyes National Seashore, Point Reyes, CA 94956; or via telephone request at (415) 464-5100.

Dated: October 17, 2006.

**Jonathan B. Jarvis,**

*Regional Director, Pacific West Region.*

[FR Doc. E6-20239 Filed 11-28-06; 8:45 am]

**BILLING CODE 4312-FW-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Cape Cod National Seashore, South Wellfleet, Massachusetts; Cape Cod National Seashore Advisory Commission, Two Hundred Fifty-Ninth; Notice of Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App 1, Section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on December 15, 2006.

The Commission was reestablished pursuant to Public Law 87-126 as amended by Public Law 105-280. The purpose of the Commission is to consult with the Secretary of the Interior, or her designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

*The Commission members will meet at 1 p.m. in the meeting room at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:*

1. Adoption of Agenda,
2. Approval of Minutes of Previous Meeting (September 25, 2006),
3. Reports of Officers,
4. Reports of Subcommittees,
5. Superintendent's Report, Update on Dune Shacks and Report, ORV's and Piping Plover nesting impact, Herring River Restoration Project, Hunting EIS, Wind Turbines/Cell Towers, Highlands Center Update, News from Washington,
6. Old Business,
7. New Business,
8. Date and agenda for next meeting,
9. Public comment and,
10. Adjournment.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: November 13, 2006.

**George E. Price, Jr.,**

*Superintendent.*

[FR Doc. E6-20231 Filed 11-28-06; 8:45 am]

**BILLING CODE 4310-WV-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Chesapeake and Ohio Canal National Historical Park; Notice of Public Meeting**

**AGENCY:** Department of the Interior, National Park Service, Chesapeake and Ohio Canal National Historical Park.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that a meeting of the Chesapeake and Ohio Canal National Historical Park Advisory Commission will be held at 9:30 a.m., on Friday, January 19, 2007, at the Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Hagerstown, Maryland 21740.

**DATES:** Friday, January 19, 2007.

**ADDRESSES:** Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Hagerstown, Maryland 21740.

**FOR FURTHER INFORMATION CONTACT:** Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740, telephone: (301) 714-2201.

**SUPPLEMENTARY INFORMATION:** The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld,  
Chairperson,  
Mr. Charles J. Weir,  
Mr. Barry A. Passett,  
Mr. James G. McCreaf II,  
Mr. John A. Ziegler,  
Mrs. Mary E. Woodward,  
Mrs. Donna Printz,  
Mrs. Ferial S. Bishop,  
Ms. Nancy C. Long,  
Mrs. Jo Reynolds,  
Dr. James H. Gilford,  
Brother James Kirkpatrick,  
Ms. Mary Ann D. Moen,  
Dr. George E. Lewis, Jr.,  
Mr. Charles D. McElrath,  
Ms. Patricia Schooley,  
Mr. Jack Reeder,  
Ms. Merrily Pierce.

Topics that will be presented during the meeting include:

1. Update on park operations.
2. Update on major construction/development projects.
3. Update on partnership projects.
4. Subcommittee Reports.

*The meeting will be open to the public.* Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park. Minutes of the meeting will be available for public inspection six weeks after the meeting at Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

Dated: October 24, 2006.

**Kevin D. Brandt,**

*Superintendent, Chesapeake and Ohio Canal, National Historical Park.*

[FR Doc. E6-20228 Filed 11-28-06; 8:45 am]

BILLING CODE 4310-6V-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-550]

### In the Matter of Certain Modified Vaccinia Ankara ("MVA") Viruses and Vaccines and Pharmaceutical Compositions Based Thereon; Notice of Commission Decision To Review the Final Initial Determination; Extension of the Target Date for Completion of the Investigation; Schedule for Briefing on the Issues on Review and Remedy, Public Interest, and Bonding

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in its entirety the final initial determination ("final ID") issued by the presiding administrative law judge ("ALJ") in the above-captioned investigation and to extend the target date for completion of the investigation.

**FOR FURTHER INFORMATION CONTACT:** James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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 (<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:** This investigation was instituted on September 23, 2005, based on a complaint filed by Bavarian Nordic A/S ("Bavarian Nordic") of Denmark. The complaint alleged 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 modified vaccinia ankara ("MVA") viruses and vaccines and pharmaceutical compositions based thereon by reason of infringement of various claims of United States Patent Nos. 6,761,893 ("the '893 patent") and 6,913,752 ("the '752 patent"). The complaint also alleged violations of section 337 in the importation of certain MVA viruses and vaccines and pharmaceutical compositions based thereon or in the sale of such articles by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. The complaint named a single respondent, Acambis PLC ("Acambis") of the United Kingdom.

On November 30, 2005, the ALJ issued an order (Order No. 10) denying Acambis' motion to terminate the investigation on the basis of 28 U.S.C. 1498.

On April 14, 2006, the ALJ issued an ID (Order No. 26) terminating the trade secret portion of this investigation based on an agreement to arbitrate between Bavarian Nordic and Acambis. On May 9, 2006, the Commission declined to review this ID.

On April 17, 2006, the ALJ issued an ID (Order No. 27) granting in part respondent's motion for summary determination with regard to the conversion claim, on the basis, *inter alia*, that it was insufficiently pled. In a separate notice issued on May 9, 2006, the Commission reviewed the ID on the conversion claim, affirming the dismissal of the conversion claim and taking no position on the ALJ's finding of no jurisdiction over the conversion claim.

After a hearing and post-hearing briefing, the ALJ issued a final initial determination ("final ID") on September 6, 2006, finding no violation of section

337. The ALJ held that the patents were infringed but invalid.

Bavarian Nordic, Acambis, and the Commission investigative attorney filed petitions for review of the final ID. By notice of October 20, 2006, the Commission extended the deadline for determining whether to review the final ID to Wednesday, November 22, 2006 and extended the target date for completion of the investigation to Monday, January 8, 2007.

Having examined the relevant portions of the record in this investigation, including the final ID, the petitions for review, and the responses thereto, the Commission has determined to review the final ID in its entirety, as well as Order No. 10. The Commission has also determined to extend the target date for completion of the investigation to January 31, 2007.

The Commission requests briefing based on the evidentiary record on the issues on review. The Commission is particularly interested in responses to the following questions:

#### Regarding Both the '893 and '752 Patents

(1) Does 28 U.S.C. 1498(a) constitute an affirmative defense available in section 337 investigations? If so, has Acambis properly and timely raised and maintained this defense? What are the consequences of having successfully raised and maintained this defense in a section 337 proceeding?

#### Regarding the '893 Patent

(1) As a matter of claim construction, does "virus deposited" in claim 1 refer to an isolated, purified virus?

(2) Can the virus deposited be identified by sequence alone or is replication behavior a limitation of the virus deposited? If two viruses contain identical DNA coding region sequences, are the viral genomes necessarily identical? If not, e.g., if viruses contained different inverted terminal repeats, is replication behavior necessarily the same? What are the consequences of replication behavior for determining anticipation and infringement of "virus deposited \* \* \* and derivatives" in claim 1?

(3) May a mixture of viruses containing the claimed virus anticipate claim 1 regardless of the replication behavior of the mixture? Does MVA-572 or MVA-575 inherently anticipate claim 1 even if those prior art viruses were not homogenous?

(4) Is MVA-F6 homogenous and does MVA-F6 directly anticipate claim 1?

#### Regarding the '752 Patent

(1) Is there any evidence that the terms "non-replicative" and "not capable of reproductive replication" have different meanings, despite the use of different words? Should the terms "non-replicative" and "permit replication" as they appear in the asserted claims of the '752 patent be construed in conformance with the teaching from the specification that "the term 'not capable of reproductive replication' means that the virus of the present invention