

funerary objects are a mortar (in which the human remains and associated funerary objects were placed), 2 milling stones, 4 lots of charcoal, 1 shell fragment, 1 stone bead, 18 obsidian fragments, 1 bone bead, 1 olivella shell bead, 262 clamshell disc beads and fragments, and 210 beads and fragments of unknown material.

Stylistic characteristics of the associated funerary objects indicate that the burial dates to the Protohistoric period (post-A.D. 1500).

In 1946, human remains representing at least one individual were removed from Cross Slough Mound (CA-Sol-13) located on an island at the confluence of Cross and Nurse Sloughs on the northeastern side of Suisun Bay in Solano County, CA. The human remains and cultural items were collected by the Standard Oil Company and donated to the Phoebe A. Hearst Museum of Anthropology in 1946. No known individual was identified. The one associated funerary object is an obsidian projectile point.

Stylistic characteristics of the associated funerary object indicate that the burial dates to the Protohistoric period (post-A.D. 1500).

Based on burial context and site characteristics, the human remains described above from Colusa, Napa, and Solano Counties are determined to be Native American in origin. The sites date to a relatively late time period, after the migration of Wintun people into the region circa A.D. 700–900. The present-day descendants of the Wintun are the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians; Grindstone Indian Rancheria of Wintun-Wailaki Indians of California; Paskenta Band of Nomlaki Indians of California; Redding Rancheria, California; Round Valley Indian Tribes of the Round Valley Reservation, California; and Rumsey Indian Rancheria of Wintun Indians of California.

Officials of the Phoebe A. Hearst Museum of Anthropology have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of at least 52 individuals of Native American ancestry. Officials of the Phoebe A. Hearst Museum of Anthropology also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 8,873 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Phoebe A. Hearst Museum of Anthropology have

determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; Grindstone Indian Rancheria of Wintun-Wailaki Indians of California; Paskenta Band of Nomlaki Indians of California; Redding Rancheria, California; Round Valley Indian Tribes of the Round Valley Reservation, California; and Rumsey Indian Rancheria of Wintun Indians of California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact C. Richard Hitchcock, NAGPRA Coordinator, Phoebe A. Hearst Museum of Anthropology, University of California, Berkeley, Berkeley, CA 94720, telephone (510) 642–6096, before August 11, 2005. Repatriation of the human remains and associated funerary objects to the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; Grindstone Indian Rancheria of Wintun-Wailaki Indians of California; Paskenta Band of Nomlaki Indians of California; Redding Rancheria, California; Round Valley Indian Tribes of the Round Valley Reservation, California; and Rumsey Indian Rancheria of Wintun Indians of California may proceed after that date if no additional claimants come forward.

The Phoebe A. Hearst Museum of Anthropology is responsible for notifying the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California; Cortina Indian Rancheria of Wintun Indians of California; Grindstone Indian Rancheria of Wintun-Wailaki Indians of California; Paskenta Band of Nomlaki Indians of California; Redding Rancheria, California; Round Valley Indian Tribes of the Round Valley Reservation, California; and Rumsey Indian Rancheria of Wintun Indians of California that this notice has been published.

Dated: June 14, 2005

**Sherry Hutt,**

*Manager, National NAGPRA Program*

[FR Doc. 05–13594 Filed 7–11–05; 8:45 am]

**BILLING CODE 4312–50–S**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–532]

### In the Matter of Certain Automotive Fuel Caps and Components Thereof; Notice of Commission Determination Not to Review an Initial Determination Granting a Motion To Withdraw the Complaint and Terminate the Investigation

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the United States International Trade Commission has determined not to review the administrative law judge's ("ALJ") initial determination ("ID") granting Complainant's motion to withdraw the complaint and terminate the above-referenced investigation.

**FOR FURTHER INFORMATION CONTACT:** Michelle Walters, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708–5468. 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 patent-based section 337 investigation was instituted by the Commission based on a complaint filed by Stant Manufacturing, Inc. of Connersville, Indiana ("Stant"). See 70 FR 12239 (March 11, 2005). The complaint alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale in the United States after importation of certain automotive fuel caps and components thereof by reason of infringement of United States Patent Nos. 5,449,086, 5,794,806, 5,480,055, and 4,678,097. The complaint named five respondents, including Gerdes GmbH, of Germany, Gerdes BVBA, or Belgium, Theodor Gerdes, Ralf Gerdes,

and Monika Gerdes, all of Germany (collectively, "Gerdes").

On May 16, 2005, Stant filed a motion to terminate the investigation based on withdrawal of its complaint. Gerdes opposed Stant's motion for termination and further requested that, pursuant to rule 210.25(a)(2), the ALJ *sua sponte* impose sanctions on Stant for abuse of Commission process. The Commission's Investigative Attorney ("IA"), however, supported Stant's motion to terminate.

The ALJ granted Stant's motion to terminate the investigation based on withdrawal of the complaint on June 10, 2005, but declined to impose sanctions on Stant (ID, Order No. 10). Gerdes filed a Petition for Review of the ID on June 17, 2005. Stant filed a response to Gerdes's petition on June 24, 2005, and the IA filed a response on June 23, 2005.

Having considered the ALJ's rationale and the arguments made by the Parties, the Commission has determined not to review the ALJ's ID granting Complainant's motion to terminate the investigation on the basis of withdrawal of the complaint. Accordingly, the above-referenced investigation is hereby terminated.

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 210.42 to 210.46 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–210.46).

Issued: July 7, 2005.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 05–13611 Filed 7–11–05; 8:45 am]

**BILLING CODE 7020–02–M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Public Comment and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), the United States hereby publishes below the comment received on the proposed Final Judgment in *United States v. Bluefield Regional Medical Center, Inc. and Princeton Community Hospital Association, Inc.*, Civil Case No. 1:05–0234 (DAF), which was filed in the United States District Court for the Southern District of West Virginia, together with the United State's response to the comment, on June 30, 2005.

Copies of the comment and the response are available for inspection at

the Department of Justice, Antitrust Division, 125 Seventh Street, NW., Room 200, Washington, DC 20530, (telephone (202) 514–2481), and at the Office of the Clerk of the United States District Court for the Southern District of West Virginia, 601 Federal Street, Room 2303, Bluefield, West Virginia 24701. Copies of any of these materials may be obtained upon request and payment of a copying fee.

#### J. Robert Kramer II,

*Director of Operations, Antitrust Division.*

United States District Court, for the Southern District of West Virginia, Bluefield Division.

United States of America, Plaintiff, Bluefield Regional Medical Center, Inc., and Princeton Community Hospital Association, Inc., Defendants.

Civil Action No. 1:05–0234.

#### Response to Competitive Impact Statement on Behalf of the West Virginia Health Care Authority

The West Virginia Health Care Authority (hereinafter "Authority") files this response to the Competitive Impact Statement published on April 7, 2005. The purpose of this response is to set forth the Authority's analysis of the state action doctrine and to clarify the statutory powers conferred upon the Authority by the West Virginia Legislature.

#### I. Statement of Facts

##### A. History of Bluefield Regional Medical Center and Princeton Community Hospital

Bluefield Regional Medical Center (hereinafter "BRMC") owns and operates a 265 bed acute care not-for-profit hospital in Bluefield, West Virginia. Princeton Community Hospital (hereinafter "PCH") owns and operates a 211 bed acute care not-for-profit hospital in Princeton, West Virginia. In addition to the Princeton facility, PCH also owns and operates St. Luke's Hospital, LLC, a 79 bed acute care hospital in Bluefield, West Virginia.

BRMC and PCH are located in close proximity to one another in Mercer County, Southern West Virginia. Mercer County ranks 15 out of 55 counties for the percentage of non-elderly adults without health insurance in the State of West Virginia.<sup>1</sup> Thus, a significant portion of the population of this county is rural and uninsured.

<sup>1</sup> Health Insurance in West Virginia: The Non-elderly Adult Report, July 2002 and reprinted May 2003 available at [http://www.wvhealthpolicy.org/reports\\_2002.htm](http://www.wvhealthpolicy.org/reports_2002.htm).

##### B. Overview of the West Virginia Health Care Authority, Its Cost Based Rate Review System and the Certificate of Need Program

By way of background, the Health Care Cost Review Authority (hereinafter "HCCRA") was created by the Legislature in 1983, as an autonomous agency within state government, W.Va. Code § 16–29B–5. The Authority, then known as HCCRA, is charged with the responsibility for collecting information on health care costs, developing a system of cost control, and ensuring accessibility to appropriate acute care beds. W.Va. Code § 16–29B–1, *et seq.*

This same legislation expanded the HCCRA's responsibilities to include the administration of two previously enacted cost containment programs: (1) the Certificate of Need (hereinafter "CON") program, which is codified at W.Va. Code §§ 16–2D–1, *et seq.*; and (2) the Health Care Financial Disclosure Act, which is codified at W.Va. Code §§ 16–5F–1, *et seq.* In 1997, the Legislature enacted a statute renaming the HCCRA as the West Virginia Health Care Authority. W.Va. Code § 16–29B–2.

The Authority's purpose is "to protect the health and well-being of the citizens of this state by guarding against unreasonable loss of economic resources as well as to ensure the continuation of appropriate access to cost-effective quality health care services." W.Va. Code § 16–29B–1. This statute created a three member Board vested with the power to "approve or disapprove hospital rates \* \* \*." W.Va. Code §§ 16–29B–5 & 19.

The Authority establishes hospital rates for a group of payors termed "nongovernmental payors" or "other payors." This group includes public and private insurers, persons who pay for their own hospital services and all other third party payors who are not government-related. W.Va. Code §§ 16–29B–1, *et seq.*; Hospital Cost Based Rate Review System, 65 C.S.R. §§ 5–1, *et seq.*

The Authority is also statutorily responsible for establishing the nongovernmental average charge per discharge for inpatient and outpatient services for acute care hospitals in the state. Accordingly, once a year, hospitals may file a rate application with the Authority seeking a rate increase pursuant to W.Va. Code § 16–29B–21. Ultimately, the Authority has the right to: (1) Approve a rate request, (2) modify a rate request, or (3) deny a rate request. W.Va. Code § 16–29B–19.

In evaluating rate applications, the Authority utilizes a hospital's rate application as the primary source of information in setting its rates. The