

obligated to care for and return to the appropriate Nation, Haudenosaunee cultural objects that are not specifically affiliated with any one Haudenosaunee Nation. Written evidence of Haudenosaunee oral tradition presented during consultation identifies the False Face masks as being sacred objects needed by traditional Haudenosaunee religious leaders and objects of cultural patrimony that have ongoing historical, traditional, and cultural significance to the group and could not have been alienated by a single individual.

Officials of the Seton Hall University Museum have determined that, pursuant to 25 U.S.C. 3001 (3)(C), the two cultural objects described above are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Seton Hall University Museum also have determined that, pursuant to 25 U.S.C. 3001 (3)(D), the two cultural items described above have ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual. Lastly, officials of the Seton Hall University Museum 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 sacred objects/objects of cultural patrimony and the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York; Tonawanda Band of Seneca Indians of New York; and Tuscarora Nation of New York.

Representatives of any other Indian tribe or Nation that believes itself to be culturally affiliated with the sacred objects/objects of cultural patrimony should contact Dr. Thomas W. Kavanagh, Seton Hall University Museum, Seton Hall University, 400 South Orange Ave., South Orange, NJ 07079, telephone (973) 375-5873, before June 23, 2008. Repatriation of the sacred objects/objects of cultural patrimony to the Onondaga Nation of New York may proceed after that date if no additional claimants come forward.

The Seton Hall University Museum is responsible for notifying the Cayuga Nation of New York; Oneida Nation of New York; Oneida Tribe of Indians of Wisconsin; Onondaga Nation of New York; Seneca Nation of New York; Seneca-Cayuga Tribe of Oklahoma; Saint Regis Mohawk Tribe, New York;

Tonawanda Band of Seneca Indians of New York; Tuscarora Nation of New York; and Haudenosaunee Standing Committee on Burial Rules and Regulations, a non-federally recognized Indian organization, that this notice has been published.

Dated: April 29, 2008.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E8-11572 Filed 5-22-08; 8:45 am]

**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### **Black Mesa and Kayenta Coal Mines, Coal Slurry Preparation Plant and Pipeline, and Coconino Aquifer Water-Supply System, Coconino, Mohave, Navajo, and Yavapai Counties, AZ, and Clark County, NV**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Reopening of comment period for the Black Mesa Project draft environmental impact statement (EIS).

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is reopening the comment period for the proposed Black Mesa Project draft EIS and preferred alternative. Since the close of the extended comment period on the draft EIS on February 6, 2007, the scope of the proposed project has been reduced. The proposed project no longer includes supplying coal to the Mohave Generating Station (MGS). The draft EIS is the same document as previously issued, and comments are solicited on the preferred alternative as described in this notice. Previously submitted comments will be considered in the final EIS and do not need to be resubmitted.

**DATES:** To ensure consideration in the preparation of the final EIS, written comments must be received by OSM by 4 p.m., m.d.t., on July 7, 2008.

**ADDRESSES:** The draft EIS is available for review on OSM's Internet Web site at <http://www.wrcc.osmre.gov/WR/BlackMesaEIS.htm>. Paper and computer compact disk (CD) copies of the draft EIS are also available for review at the Office of Surface Mining, Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

Comments on the Black Mesa Project draft EIS and preferred alternative may be submitted in writing or by e-mail over the Internet. At the top of your letter or in the subject line of your e-

mail message, indicate that the comments are "BMP Draft EIS Comments." Include your name and return address in your letter or e-mail message.

- E-mail comments should be sent to [BMKEIS@osmre.gov](mailto:BMKEIS@osmre.gov). If you do not receive a confirmation from the system that OSM has received your e-mail comment, contact the person identified in **FOR FURTHER INFORMATION CONTACT** below.

- Written comments sent by first-class or priority U.S. Postal Service should be mailed to: Dennis Winterringer, Leader, Black Mesa Project EIS, OSM Western Region, P.O. Box 46667, Denver, Colorado 80201-6667.

- Comments delivered by U.S. Postal Service Express Mail or by courier service should be sent to: Dennis Winterringer, Leader, Black Mesa Project EIS, OSM Western Region, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

**FOR FURTHER INFORMATION CONTACT:** Dennis Winterringer, Leader, Black Mesa Project EIS, OSM Western Region, by telephone at (303) 293-5048, or by e-mail at [BMKEIS@osmre.gov](mailto:BMKEIS@osmre.gov).

#### **SUPPLEMENTARY INFORMATION:**

I. Reopening of the Comment Period  
II. Background on the Black Mesa Project EIS  
III. Public Comment Procedures

#### **I. Reopening of the Comment Period**

On November 22 and December 1, 2006, OSM and the Environmental Protection Agency respectively published in the **Federal Register** notices announcing availability of the Black Mesa Project draft EIS for comment (71 FR 67637 and 71 FR 69562).

On January 16 and 19, 2007, OSM and EPA respectively published in the **Federal Register** notices extending the comment period (72 FR 1764 and 72 FR 2512). The extended comment period closed on February 6, 2007.

Because of events that have occurred since the close of the comment period for the draft EIS, OSM is reopening the comment period. Previously submitted comments will be considered in the final EIS and do not need to be resubmitted.

The draft EIS identified Alternative A, which contemplated continued coal supply to the MGS, as the proposed project and preferred alternative. In letters dated February 25 and April 30, 2008, Peabody Western Coal Company (Peabody) notified OSM that it no longer intended to supply coal to MGS because it believed the reopening of MGS is remote, but it would continue to supply coal to the Navajo Generating Station.

Peabody also stated its intention to amend the pending permit revision application for the Black Mesa Mine Complex to remove proposed plans and activities that supported supplying coal to MGS. By amending the permit revision application, the proposed project would be reduced to permitting the Black Mesa Complex mining operations as described and analyzed as Alternative B of the draft EIS. Alternative B is now the preferred alternative.

## II. Background on the Black Mesa Project EIS

Pursuant to the National Environmental Policy Act of 1969 (NEPA), OSM prepared a draft EIS analyzing the effects of the proposed Black Mesa Project. It analyzed effects of the following three alternatives.

### Alternative A

- Approval of Peabody's life-of-mine permit revision for the Black Mesa Mine Complex (Black Mesa and Kayenta Mines), including mining of coal to supply the Mohave Generating Station, a new coal wash plant and associated coal waste disposal, and construction, use, and maintenance of a new haul road between mine areas on the southern ends of Peabody's coal leases;
- Approval of Black Mesa Pipeline's existing coal-slurry preparation plant and rebuilding the 273-mile-long coal-slurry pipeline to the Mohave Generating Station; and
- Approval of a new Coconino Aquifer water-supply system, including a 108-mile-long pipeline to convey the water to the minesite.

### Alternative B

- Conditional approval of Peabody's life-of-mine permit revision, including incorporation of the Black Mesa Mine surface facilities and coal deposits into the Kayenta Mine permit area and construction, use, and maintenance of a haul road between mine areas on the southern ends of Peabody's coal leases;
- No approval for coal mining at the Black Mesa Mine to supply the Mohave Generating Station;
- No approval to reconstruct the coal-slurry pipeline; and
- No approval to construct the Coconino Aquifer water-supply system.

### Alternative C

- Disapproval of Peabody's life-of-mine permit revision.
  - No approval for mining coal at the Black Mesa Mine to supply the Mohave Generating Station but continued operation of mining at the Kayenta Mine to supply coal to the Navajo Generating

Station, because Peabody already has an approved permit for this mine and has the right of successive permit renewals;

- No incorporation of Black Mesa Mine surface facilities and coal deposits into the Kayenta Mine permit area;
- No approval to reconstruct the coal-slurry pipeline; and
- No approval to construct the Coconino Aquifer water-supply system.

At the time the draft EIS was released, the purpose of the proposed project was to continue to supply coal to MGS and to the Navajo Generating Station, and Alternative A in the draft EIS described the proposed project. In letters dated February 25 and April 30, 2008, Peabody notified OSM that it did not intend to continue to supply coal to MGS in the future because it believed the reopening of MGS is remote. Peabody would continue to supply coal to the Navajo Generating Station and stated its intention to amend the pending permit revision application for the Black Mesa Mine Complex to remove proposed plans and activities that supported supplying coal to MGS. Specifically, the pending permit revision application would be amended to (1) remove the plans for a coal wash plant and coal waste disposal site, (2) modify the probable hydrologic consequences section of the application to indicate use of 1,236 ac-ft/yr of Navajo aquifer water for domestic and mine-related uses instead of the initially proposed long-term average of about 2,000 ac-ft/yr for mine-related uses and as a backup water supply to the proposed new Coconino aquifer water supply, and (3) remove the plan for a new road between the southern parts of its coal leases. By amending the permit revision application, the proposed project is reduced to permitting the Black Mesa Complex mining operations as described and analyzed as Alternative B of the draft EIS, except that the new road that was included in Alternative B is no longer being proposed. In the analysis of alternative B in the draft EIS, OSM had considered the impacts of the proposed new road that would have disturbed 127 acres. With elimination of the plans for a new proposed road, the impacts would be less than those identified in the draft EIS for Alternative B.

More information about the project and EIS can be found on OSM's Internet Web site at <http://www.wrcc.osmre.gov/WR/BlackMesaEIS.htm>.

## III. Public Comment Procedures

*Written Comments:* If you submit written comments, they should be specific, confined to issues pertinent to the draft EIS, and explain the reason for

any recommended changes. Please indicate the chapter, page, paragraph, and sentence of the draft EIS your comments pertain to.

We will make every attempt to log all comments into the record for this draft EIS; however, we cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to a location other than those listed above (see **ADDRESSES**) will be included in the record and considered.

*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.

Dated: May 6, 2008.

**Allen D. Klein,**

*Regional Director, Western Region.*

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**BILLING CODE 4310-05-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-598]

### In the Matter of Certain Unified Communications Systems, Products Used With Such Systems, and Components Thereof; Notice of Commission Decision to Reverse-in-Part and Modify-in-Part a Final Initial Determination Finding a Violation of Section 337 and Termination of the Investigation With a Finding of No Violation

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to reverse-in-part and modify-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ"). The Commission has determined that there is no violation of section 337 in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, 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