

responsibilities pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006 (g)). The findings of fact and recommendations to the disputing parties do not necessarily represent the views of the National Park Service or the Secretary of the Interior.

**SUMMARY:**

The Native American Graves Protection and Repatriation Review Committee (Review Committee) was established by Section 8 of the Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 3006) and is an advisory body governed by the Federal Advisory Committee Act (5 App. U.S.C. 1-16). At its October 11-12, 2008 public meeting in San Diego, CA, the Review Committee, acting pursuant to its responsibilities to convene the parties to a dispute, review the information provided by the parties, and make findings of fact and recommendations relating to the cultural affiliation of the human remains in an inventory, heard a dispute between the Onondaga Nation and the New York State Museum. The issue before the Review Committee was whether the relevant information presented by the Onondaga Nation shows that, more likely than not, a relationship of shared group identity reasonably can be traced between the Onondaga Nation and human remains representing a minimum of 180 individuals which had been removed from the "Engelbert Site," also known as NYSM Site #171, in Nichols, Tioga County, New York and which are in the possession and under the control of the New York State Museum. The Review Committee found, by a preponderance of the evidence, that a relationship of shared group identity reasonably can be traced between the present-day Onondaga Nation and the human remains from the Engelbert Site.

**SUPPLEMENTARY INFORMATION:** In 1998, the New York State Museum (the Museum) completed an "Inventory of Native American Human Remains from the Engelbert Site, Tioga County, New York (NYSM Site #171), in the Possession of the New York State Museum" (the inventory). The Native American human remains were excavated and removed from the Engelbert Site in 1967 and 1968, as a result of the construction of the Southern Tier Expressway (New York State Route 17). The Museum had acquired the human remains in question in 1989. The Museum determined that all the human remains in the inventory were culturally unidentifiable.

In 2007, the Onondaga Nation (the Nation) presented to the Museum information relevant to showing cultural affiliation between the Nation and the human remains in question, and requested that the Museum repatriate the human remains listed in the inventory to the Nation. In response, the Museum refused to repatriate the human remains in the inventory to the Nation, asserting that the Nation had not shown cultural affiliation by a preponderance of the evidence.

Disputing the decision of the Museum, the Nation asked the Review Committee to facilitate the dispute between the Nation and the Museum. The Review Committee Chair agreed to the Nation's request.

At its October 11-12, 2008 meeting, the Review Committee considered the dispute between the Nation and the Museum. The sole issue of material fact between the parties was whether the relevant information provided by the Onondaga Nation showed, by a preponderance of the evidence, cultural affiliation between the human remains listed in the inventory and the Nation on the basis of geographical, kinship, biological, archeological, anthropological, linguistic, folkloric, oral traditional, historical, or other relevant information or expert opinion.

**FINDINGS OF FACT:** By a vote of five to one - six members, comprising a quorum, were present -- the Review Committee found that the preponderance of the evidence shows a relationship of shared group identity between the Onondaga Nation (and the greater Haudenosaunee Confederacy, of which the Nation is a member-nation) and the remains of the 180 Native American individuals in the Engelbert Site inventory.

**RECOMMENDATIONS TO THE DISPUTING PARTIES:** By a vote of five to one - six members, comprising a quorum, were present -- the Review Committee recommended that, consistent with the NAGPRA criteria, the New York State Museum expeditiously repatriate the remains of the 180 Native American individuals in the Engelbert Site inventory to the Onondaga Nation. In addition, by a unanimous vote - six members, comprising a quorum, were present -- the Review Committee recommended that the New York State Museum reevaluate the cultural affiliation of all the Native American human remains in its possession, or under its control, which, on the basis of their age, the Museum hitherto had determined to be "culturally unidentifiable" and that, in doing so, the Museum use the preponderance of all the available, relevant evidence as

the standard for deciding cultural affiliation or lack thereof.

Dated: February 27, 2009

**Rosita Worl**

*Chair, Native American Graves Protection and Repatriation Review Committee*

[FR Doc. E9-4668 Filed 3-3-09; 8:45 am]

**BILLING CODE 4312-50-S**

**INTERNATIONAL TRADE COMMISSION**

[Inv. No. 337-TA-668]

**In the Matter of Certain Non-Shellfish Derived Glucosamine and Products Containing Same; 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 January 28, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Cargill, Incorporated of Wayzata, Minnesota. A letter supplementing the complaint was filed on February 13, 2009. 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 non-shellfish derived glucosamine and products containing same by reason of infringement of certain claims of U.S. Patent No. 7,049,433. 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:** Erin D.E. Joffre, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2550.

**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 (2008).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on February 25, 2009, 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 non-shellfish derived glucosamine and products containing same that infringe one or more of claims 1-10 of U.S. Patent No. 7,049,433, 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—Cargill, Incorporated, 15407 McGinty Rd. W., Wayzata, Minnesota 55391.

(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: Nantong Foreign Trade Medicines & Health Products Co., Ltd., 6/F Commercial Building, 15 Middle Quingnian Rd., Nantong, Jiangsu, China 226006.

DNP International, Inc., 12802 Leffingwell Ave., Bldg. E, Santa Fe Springs, CA 90670.

Tiancheng International, Inc. (USA), 2851 E. Philadelphia St., Ontario, CA 91761-8553.

Hygieia Health Co., Ltd., Building # 54, 5/F 1089 Qinzhou Road (N), Shanghai, China 200233.

TSI Health Sciences, Inc., 7168 Expressway, Missoula, MT 59808-8587.

Ethical Naturals, Inc., 330 Sir Francis Drake Blvd., Suite H, San Anselmo, CA 94960.

(c) The Commission investigative attorney, party to this investigation, is Erin D.E. Joffre, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: February 26, 2009.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-4539 Filed 3-3-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-09-005]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** March 11, 2009 at 11 a.m.

**PLACE:** Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

### MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification list.
4. Inv. Nos. 701-TA-460 and 461 (Preliminary) (Ni-Resist Pistons Inserts From Argentina and Korea)—briefing and vote. (The Commission is currently scheduled to transmit its determinations to the Secretary of Commerce on or before March 12, 2009; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on or before March 19, 2009.)

5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 26, 2009.

By order of the Commission.

**William R. Bishop,**

*Hearings and Meetings Coordinator.*

[FR Doc. E9-4524 Filed 3-3-09; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[USITC SE-09-006]

### Government in the Sunshine Act Meeting Notice

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** March 12, 2009 at 11 a.m.

**PLACE:** Room 101, 500 E Street, SW., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

### MATTERS TO BE CONSIDERED:

1. Agenda for future meetings: None.
2. Minutes.
3. Ratification list.
4. Inv. Nos. 731-TA-1014, 1016, and 1017 (Second Review) (Polyvinyl Alcohol from China, Japan, and Korea)—briefing and vote. (The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the Secretary of Commerce on or before March 26, 2009.)

5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 26, 2009.