

DEPARTMENT OF THE INTERIOR**National Park Service****Notice of Inventory Completion: Texas Department of Transportation, Austin, TX****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Texas Department of Transportation, Austin, TX. The human remains and associated funerary objects were removed from Anderson County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the professional archeological staff of the Texas Department of Transportation, Coastal Environments, Inc., Archeological & Environmental Consultants, LLC, and A.M. Wilson Associates, Inc., in initial consultation with representatives from the Caddo Nation of Oklahoma; Cherokee Nation, Oklahoma; Choctaw Nation of Oklahoma; Delaware Nation, Oklahoma; Kialegee Tribal Town, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pokagon Band of Potawatomi Indians of Michigan and Indiana; Quapaw Tribe of Indians, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; United Keetoowah Band of Cherokee Indians in Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

In 2004, human remains representing a minimum of one individual were removed from the Lang Pasture site, 41AN38, in Anderson County, TX. No known individual was identified. The eight associated funerary objects are one elbow pipe, two carinated bowls, one Poynor Engraved carinated bowl, one red-slipped carinated bowl, one plain

bowl with scalloped lip, one Maydelle Incised jar, and one bottle.

In 2006, human remains representing a minimum of eight individuals were removed from the Lang Pasture Site, 41AN38, in Anderson County, TX. One of the features excavated during this time contained no human remains. However, based on the preponderance of the evidence, officials of the Texas Department of Transportation reasonably believe the artifacts recovered from the feature are associated funerary objects. No known individuals were identified. The 27 associated funerary objects from these burials are 1 elbow pipe, 2 Poynor Engraved carinated bowls, 2 Poynor Engraved compound bowls, 2 Poynor Plain globular carinated bowls, 1 Poynor Engraved bowl, 1 Maydelle Incised jar, 1 Killough Pinched bowl, 7 plain bowls, 4 carinated bowls, 1 plain bowl with scalloped lip, 1 bottle, 1 engraved-rocker-stamped seed jar or neckless bottle, 1 compound vessel or wide-mouthed bottle with suspension holes, 1 untyped arrow point tip, and 1 ground stone tool.

In 1983, Texas Department of Transportation archeologists recorded site 41AN38, the Lang Pasture site, during shovel testing in State Highway (SH) 155 right of way prior to a proposed transportation project planned to expand the highway from two to four lanes. It was determined that the highway project would destroy the portion of site 41AN38 located within the right of way.

In 2003, Hicks & Company completed a more comprehensive archeological survey. Cultural materials (e.g., Caddo ceramic sherds, lithic debris, a possible post hole feature with flecks of charcoal) recovered during the Hicks investigations led to a recommendation for National Register of Historic Places eligibility testing. In January and February 2004, Coastal Environments, Inc., conducted eligibility testing excavations, as the Texas Department of Transportation had determined that preservation in place was not a feasible option for that portion of site 41AN38 within the right of way. The site was determined eligible for listing in the National Register, and data recovery excavations were designed to mitigate the effects of construction on the site.

In consultation with the Caddo Nation of Oklahoma, it was determined that the portion of the Caddo cemetery within the right of way of SH 155 was to be excavated. The data recovery excavations were conducted in 2006 by Coastal Environments, Inc., and Archeological & Environmental

Consultants, LLC, and additional human remains were removed from the site.

Preliminary assessment based on analysis of the ceramic types represented in the recovered burial assemblages, radiocarbon dates derived from six of the burials, and the placement of funerary offerings with the skeletal remains, indicate that the cemetery was used by Caddo groups during time periods ranging from the Formative Caddoan (A.D. 800–1000) through the Late Caddoan (A.D. 1400–1680). The Texas Department of Transportation has determined that based upon the burials and associated funerary assemblages, that the Lang Pasture site, 41AN38, was occupied by a Caddo group. Descendants of the Caddo are members of the Caddo Nation of Oklahoma.

Officials of the Texas Department of Transportation have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of nine individuals of Native American ancestry. Officials of the Texas Department of Transportation also have determined that, pursuant to 25 U.S.C. 3001 (3) (A), the 35 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 Texas Department of Transportation have determined, 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 Caddo Nation of Oklahoma.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Scott Pletka, Ph.D., Supervisor, Archeological Studies Program, Texas Department of Transportation, 125 E. 11th St., Austin, TX 78701–2483, telephone (512) 416–2631, before October 15, 2009. Repatriation of the human remains and associated funerary objects to the Caddo Nation of Oklahoma may proceed after that date if no additional claimants come forward.

The Texas Department of Transportation is responsible for notifying the Caddo Nation of Oklahoma; Cherokee Nation, Oklahoma; Choctaw Nation of Oklahoma; Delaware Nation, Oklahoma; Kialegee Tribal Town, Oklahoma; Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas; Kickapoo Tribe of Oklahoma; Kickapoo Traditional Tribe of Texas; Kiowa Indian Tribe of Oklahoma;

Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Pokagon Band of Potawatomi Indians of Michigan and Indiana; Quapaw Tribe of Indians, Oklahoma; Thlopthlocco Tribal Town, Oklahoma; United Keetoowah Band of Cherokee Indians in Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma that this notice has been published.

Dated: August 14, 2009

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E9-22217 Filed 9-14-09; 8:45 am]

BILLING CODE 4312-50-S

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-556 (Remand)]

In the Matter of Certain High-Brightness Light-Emitting Diodes and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 5) of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) based on withdrawal of the complaint.

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) 708-2310. 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 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>. 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: The Commission instituted this investigation on December 8, 2005, based on a complaint filed by Lumileds Lighting U.S., LLC of San Jose, California. 70 FR 73026. The complaint, as amended and supplemented, alleges 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 high-brightness light emitting diodes and products containing same by reason of infringement of claims 1 and 6 of U.S. Patent No. 5,008,718, claims 1-3, 8-9, 16, 18, and 23-28 of U.S. Patent No. 5,376,580, and claims 12-16 of U.S. Patent No. 5,502,316. The complaint further alleged the existence of a domestic industry. The Commission's notice of investigation named Epistar Corporation of Hsinchu, Taiwan, and United Epitaxy Company of Hsinchu, Taiwan as respondents. Subsequently, respondents merged under the name Epistar Corporation ("Epistar").

The Commission terminated this investigation on May 9, 2007, finding a violation of section 337 and issuing a limited exclusion order directed to Epistar. Epistar appealed the Commission's determination to the U.S. of Appeals for the Federal Circuit. The Court issued its opinion on May 22, 2009, affirming in part, reversing in part, and remanding the investigation to the Commission. *See Epistar Corp. v. United States Int'l Trade Comm'n*, 566 F.3d 1321 (Fed. Cir. 2009).

On August 5, 2009, complainant moved to withdraw its complaint and terminate the investigation in its entirety.

The ALJ issued the subject ID on August 18, 2009, granting the motion for termination of the investigation. No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the Commission found no basis for ordering a review on its own initiative pursuant to 19 CFR 210.44. The Commission has determined not to review the ID, and accordingly the investigation is 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 210.21 and 210.42(h), (i) of the Commission's Rules of Practice and Procedure, 19 CFR 210.21, 210.42(h), (i).

Issued: September 2, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9-22131 Filed 9-14-09; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree under the Clean Water Act and the Oil Pollution Act

Notice is hereby given that on August 19, 2009, a proposed Consent Decree in *United States of America and the State of Indiana v. Countrymark Cooperative LLP*, Civil Action No. 1:09-cv-1018, was lodged with the United States District Court for the Southern District of Indiana.

In this action the United States, on behalf of the United States Department of Interior, the United States Fish and Wildlife Service, and the United States Coast Guard; and the State of Indiana, on behalf of the Indiana Department of Environmental Management and the Indiana Department of Natural Resources, sought damages under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Oil Pollution Act, 33 U.S.C. 2701 *et seq.*, for injury to, destruction of, or loss of natural resources resulting from a 2003 oil spill in the Wabash River floodplain near Griffin, Indiana (the "Spill"). The Consent Decree resolves the claims of the United States and State of Indiana against Countrymark Cooperative in connection with the Spill. The Consent Decree provides that Countrymark Cooperative shall: (1) Undertake restoration activities at a nearby park; (2) reimburse a total of \$22,800.12 in damage assessment costs; and (3) pay the future costs of overseeing the restoration work.

The U.S. Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *United States of America and the State of Indiana v. Countrymark Cooperative LLP*, Civil Action No. 1:09-cv-1018, D.J. Ref. 90-5-1-1-08445.

During the comment period, the Consent Decree may be examined at the Office of the United States Attorney, Southern District of Indiana, 10 W. Market Street, Suite 2100, Indianapolis, Indiana 46204-3048, and at the offices of the U.S. Department of the Solicitor, Three Parkway Center, Room 385, Pittsburgh, PA 15220. The Consent Decree, may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/>