

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS–WASO–NAGPRA–11688; 2200–1100–665]

**Native American Graves Protection and Repatriation Review Committee Findings Related to the Return of Cultural Items in the Possession of the Alaska State Museum, Juneau, AK****AGENCY:** National Park Service, Interior.**ACTION:** Native American Graves Protection and Repatriation Review Committee: Findings.

This notice is published as part of the National Park Service's administrative responsibilities pursuant to the Native American Graves Protection and Repatriation Act (25 U.S.C. 3006 (g)). The recommendations, findings and actions of the Review Committee associated with this dispute are advisory only and not binding on any person. These advisory findings and recommendations do not necessarily represent the views of the National Park Service or Secretary of the Interior. The National Park Service and the Secretary of the Interior have not taken a position on these matters.

**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 a November 17–19, 2010 public meeting in Washington, DC, and acting pursuant to its statutory responsibility to convene the parties to a dispute relating to the return of cultural items, and to facilitate the resolution of such a dispute, the Review Committee heard a dispute between the Wrangell Cooperative Association, joined by Sealaska Corporation, and the Alaska State Museum. The issue before the Review Committee was whether, in response to a request for the repatriation of a cultural item in the possession of the Alaska State Museum, the Alaska State Museum presented evidence proving that the Museum has a “right of possession” to the cultural item, as this term is defined in the NAGPRA regulations. The Review Committee found that the Alaska State Museum had not presented evidence proving that the Museum has a “right of possession” to the cultural item. The Review Committee meeting transcript containing the dispute proceedings and Review Committee deliberation and

finding is available from the National NAGPRA Program upon request (NAGPRA\_Info@nps.gov).

**SUPPLEMENTARY INFORMATION:** Since 1969, a Tlingit Teeyhitta Clan *Yéil aan Kaawu Naa s'aaxw*, or Leader of all Raven Clan Hat (Clan Hat), has been in the “possession” of the Alaska State Museum, as this term is defined in the NAGPRA regulations (43 CFR 10.2(a)(3)(i)). Pursuant to NAGPRA, in 2008, Sealaska Corporation requested the repatriation of the Clan Hat. (On August 13, 2010, the Wrangell Cooperative Association, an Alaska Native village, became a party to the repatriation request.) The request identified the Clan Hat as a “sacred object” and an object of “cultural patrimony,” as these terms are defined in NAGPRA (25 U.S.C. 3001 (3)(C) and (D)). While acknowledging that the Clan Hat is a sacred object and an object of cultural patrimony, the Alaska State Museum asserted the “right of possession” to the Clan Hat, as defined in the NAGPRA regulations (43 CFR 10.10(a)(2)).

Disputing the Alaska State Museum's claim of right of possession to the Clan Hat, Sealaska Corporation and the Wrangell Cooperative Association joined in asking the Review Committee to facilitate the resolution of the dispute between themselves and the Alaska State Museum. The Designated Federal Official for the Review Committee agreed to the request.

At its November 17–19, 2010 meeting, the Review Committee considered the dispute. The issue before the Review Committee was whether, in response to the request for the repatriation of the Clan Hat, the Alaska State Museum presented evidence proving, by a preponderance of the evidence, that the Museum has a “right of possession” to the Clan Hat. As defined in the NAGPRA regulations, “‘right of possession’ means possession obtained with the voluntary consent of an individual or group that had authority of alienation.” Right of possession to the Clan Hat, therefore, would be deemed to have been given to the Alaska State Museum if, at the time the Museum acquired possession of the Clan Hat from the Tlingit Teeyhitta Clan, the transferor consented to transfer possession, the transferor's consent was voluntary, and the transferor had the authority to alienate the Clan Hat to the Museum.

*Findings of Fact:* Five Review Committee members participated in the fact finding. Two of the Review Committee members were self-recused. By a vote of five to zero, the Review

Committee found that the Alaska State Museum had not proved by a preponderance of the evidence that the Museum has the right of possession to the Clan Hat. In addition, the Review Committee made specific findings related to the transferor's consent to transfer possession of the Clan Hat, the voluntariness of the transferor's consent, and the authority of the transferor to alienate the Clan Hat to the Alaska State Museum. By a vote of five to zero, the Review Committee found that the Alaska State Museum had proved, more likely than not, that the conveyer of the Clan Hat to the Alaska State Museum had consented to transfer possession of the Clan Hat to the Museum. By a vote of three to one (there was one abstention), the Review Committee found that the Alaska State Museum had not proved, more likely than not, that the consent of the conveyer to transfer possession of the Clan Hat to the Alaska State Museum was voluntary. By a vote of four to zero (there was one abstention), the Review Committee found that the Alaska State Museum had not proved, more likely than not, that the Indian tribe culturally affiliated with the Clan Hat explicitly authorized the conveyer of the Clan Hat to separate the Clan Hat from the tribe. Finally, by a vote of four to zero (there was one abstention), the Review Committee found that the Alaska State Museum had not proved, more likely than not, that the Indian tribe culturally affiliated with the Clan Hat intended to give the conveyer of the Clan Hat the authority to separate the Clan Hat from the tribe.

Dated: November 7, 2012.

**Mervin Wright, Jr.,**

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

[FR Doc. 2013–01314 Filed 1–23–13; 8:45 am]

**BILLING CODE 4312–50–P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 332–538]

**Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2012 Review: Additions and Competitive Need Limitation Waivers; Institution of Investigation and Scheduling of Hearing**

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice of institution of investigation and scheduling of public hearing.

**SUMMARY:** Following receipt of a request on January 8, 2013, from the United States Trade Representative (USTR), the U.S. International Trade Commission (Commission) instituted investigation No. 332–538, *Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2012 Review: Additions and Competitive Need Limitation Waivers*, for the purpose of providing advice as to the probable economic effect of the addition of certain products to the list of items eligible for duty-free treatment under the U.S. GSP program and providing certain advice regarding the effect of a waiver of the competitive need limitations under the program for certain countries and articles.

**DATES:** February 11, 2013: Deadline for filing requests to appear at the public hearing.

February 13, 2013: Deadline for filing pre-hearing briefs and statements.

February 27, 2013: Public hearing.

March 4, 2013: Deadline for filing post-hearing briefs and statements.

March 4, 2013: Deadline for filing all other written submissions.

April 8, 2013: Transmittal of Commission report to the United States Trade Representative.

**ADDRESSES:** All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Information specific to this investigation may be obtained from Alberto Goetzl, Project Leader, Office of Industries (202–205–3323 or [alberto.goetzl@usitc.gov](mailto:alberto.goetzl@usitc.gov)), Katherine Baldwin, Deputy Project Leader, Office of Industries (202–205–3396 or [katherine.baldwin@usitc.gov](mailto:katherine.baldwin@usitc.gov)), or Cynthia B. Foreso, Technical Advisor, Office of Industries (202–205–3348 or [cynthia.foreso@usitc.gov](mailto:cynthia.foreso@usitc.gov)). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or [william.gearhart@usitc.gov](mailto:william.gearhart@usitc.gov)). The media should contact Margaret O'Laughlin,

Office of External Relations (202–205–1819 or [margaret.olaughlin@usitc.gov](mailto:margaret.olaughlin@usitc.gov)). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (<http://www.usitc.gov>). 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.

**Background:** In accordance with sections 503(a)(1)(A), 503(e), and 131(a) of the Trade Act of 1974, and pursuant to the authority of the President delegated to the USTR by sections 4(c) and 8(c) and (d) of Executive Order 11846 of March 31, 1975, as amended, and pursuant to section 332(g) of the Tariff Act of 1930, the USTR has requested that the Commission provide advice as to the probable economic effect on U.S. industries producing like or directly competitive articles, on U.S. imports, and on U.S. consumers of the elimination of U.S. import duties on the following articles for all beneficiary developing countries under the GSP program: sweetheart, spray and other roses, fresh cut (HTS 0603.11.00 or 0603.11.0010, 0603.11.0030, 0603.11.0060); vegetables nesi, uncooked or cooked by steaming or boiling in water, frozen, reduced in size or the 3 existing 10-digit lines for broccoli (HTS 0710.80.97 or 0710.80.9722, 0710.80.9724, 0710.80.9726); artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (HTS 2005.99.80); refined copper, wire, w/maximum cross-sectional dimension of 6 mm or less (HTS 7408.19.0030).

The USTR has also requested, under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, and in accordance with section 503(d)(1)(A) of the Trade Act of 1974, that the Commission provide advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limitation specified in section 503(c)(2)(A) of the Trade Act of 1974 for the following countries and HTS subheadings (articles): Indonesia for HTS 0410.00.00 (edible products of animal origin, not elsewhere specified or included); Thailand for HTS 0603.13.00 (orchids: cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared); Thailand for HTS 1102.90.25 (rice flour); Thailand for HTS 2106.90.99 (food preparations not elsewhere

specified or included, not canned or frozen); Indonesia for HTS 6911.10.37 (porcelain or china (o/than bone china) household table and kitchenware in sets in which aggregate value of arts./US note 6(b) o/\$56 n/o \$200); Russia for HTS 7202.21.50 (ferrosilicon containing by weight more than 55% but not more than 80% of silicon, nesoi); Georgia for HTS 7202.30.00 (ferrosilicon manganese); Brazil for HTS 7202.99.20 (calcium silicon ferroalloys); India for HTS 7307.21.50 (stainless steel, not cast, flanges for tubes/pipes, not forged or forged and machined, tooled and otherwise processed after forging); India for HTS 7307.91.50 (iron or steel (o/than stainless), not cast, flanges for tubes/pipes, not forged or forged and machined, tooled and processed after forging); Thailand for HTS 7408.29.10 (copper wire, coated or plated with metal); and Thailand for HTS 9506.70.40 (ice skates w/footwear permanently attached).

With respect to the waiver of the competitive need limitation, the USTR also requested that the Commission provide its advice with respect to whether like or directly competitive products were being produced in the United States on January 1, 1995; that the Commission provide its advice as to the probable economic effect on total U.S. imports, as well as on consumers, of the requested waivers; and, with respect to the competitive need limit in section 503(c)(2)(A)(i)(I) of the Trade Act of 1974, that the Commission use the dollar value limit of \$155,000,000.

As requested by USTR, the Commission will provide its advice by April 8, 2013. The USTR indicated that those sections of the Commission's report and related working papers that contain the Commission's advice will be classified as "confidential," and that USTR considers the Commission's report to be an inter-agency memorandum that will contain pre-decisional advice and be subject to the deliberative process privilege.

**Public Hearing:** A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on February 27, 2013. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., February 11, 2013, in accordance with the requirements in the "Submissions" section below. All pre-hearing briefs and statements should be filed not later than 5:15 p.m., February 13, 2013; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., March 4, 2013.

**Written Submissions:** In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., March 4, 2013. All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties. The Commission may include in the report it sends to the President and the USTR some or all of the confidential business information it receives in this investigation.

The USTR has asked that the Commission make available a public version of its report shortly after it sends its report to the President and the USTR, with any classified or privileged information deleted. Any confidential business information received in this investigation and used in the preparation of the report will not be published in the public version of the report in such manner as would reveal the operations of the firm supplying the information.

Issued: January 18, 2013.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013–01389 Filed 1–23–13; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–804]

### **Certain Led Photographic Lighting Devices and Components Thereof; Commission's Final Determination Finding a Violation of Section 337; Issuance of a General Exclusion Order; Termination of Certain Respondents Based on Consent Order; Issuance of Consent Order; and Termination of the Investigation**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has found a violation of section 337 in this investigation and has issued a general exclusion order prohibiting importation of infringing LED photographic lighting devices and components thereof. The Commission has also determined to terminate certain respondents on the basis of a consent order stipulation, and has issued a consent order.

**FOR FURTHER INFORMATION CONTACT:**

Amanda S. Pitcher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>, and 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:** The Commission instituted this investigation on September 7, 2011, based on a complaint filed by Litepanels, Inc. and Litepanels, Ltd. (collectively,

"Litepanels"). 76 FR 55416 (Sept. 7, 2011). 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 LED photographic lighting devices and components thereof that infringe certain claims of U.S. Patent Nos. 7,429,117 (later terminated from the investigation); 7,510,290 (later terminated from the investigation); 7,972,022 ("the '022 patent"); 7,318,652 ("the '652 patent"); and 6,948,823 ("the '823 patent"). *Id.* The Notice of Institution named respondents Flolight, LLC. ("Flolight"), of Campbell, California; Prompter People, Inc. ("Prompter") of Campbell, California; Ikan Corporation ("Ikan"), of Houston, Texas; Advanced Business Computer Services, LLC d/b/a Cool Lights, USA ("CoolLights") of Reno, Nevada; Elation Lighting, Inc. of Los Angeles, California ("Elation"); Fuzhou F&V Photographic Equipment Co., Ltd. ("F&V"), of Fujian, China; FotodioX, Inc. of Waukegan, Illinois; Yuyao Lishuai Photo-Facility Co., Ltd. of Zhejiang Province, China; Yuyao FotodioX Photo Equipment Co., Ltd. of Zhejiang Province, China; and Yuyao Lily Collection Co., Ltd. of Yuyao, China (collectively the "FotodioX respondents"); Shantou Nanguang Photographic Equipment Co., Ltd. ("Nanguang"), of Guangdong Province, China; Visio Light, Inc. ("Visio"), of Taipei, Taiwan; Tianjin Wuqing Huanyu Film and TV Equipment Factory of Tianjin, China ("Tianjin"); and Stellar Lighting Systems ("Stellar"), of Los Angeles, California. *Id.* A Commission Investigative Attorney ("IA") of the Office of Unfair Import Investigations also participated in this investigation.

Visio, Nanguang, and F&V were terminated based on entry of consent orders, Elation was terminated based upon a settlement agreement and Tianjin was found in default. See Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Visio Light, Inc. Based on Entry of Consent Order; Issuance of Consent Order (December 2, 2011); See Notice of Commission Determination to Review an Initial Determination Finding Respondent Tianjin Wuqing Huanyu Film and TV Equipment Factory in Default (January 17, 2012); Notice of Commission Determination Not to Review an Initial Determination Terminating Respondent Elation Lighting, Inc. from the Investigation (March 2, 2012); Commission