

Based on site location, ethnographic information, continuity of occupation, and consultation evidence, this individual has been identified as Kumeyaay. The Kumeyaay Indians are represented today by the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California; Ewiiapaayp Band of Kumeyaay Indians, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

Officials of Caltrans and San Diego State University have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of a minimum of one individual of Native American ancestry. Officials of Caltrans and San Diego State University also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 57 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 Caltrans and San Diego State University 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 Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California; Ewiiapaayp Band of Kumeyaay Indians, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian

Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the associated funerary objects should contact Lynn H. Gamble, Director, Collections Management Program, San Diego State University, 5500 Campanile Drive, San Diego, CA 92182–4443, telephone (619) 594–2305, before June 26, 2009. Repatriation of the human remains and associated funerary objects to the Kumeyaay Cultural Repatriation Committee, on behalf of the Federally-recognized Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California; Ewiiapaayp Band of Kumeyaay Indians, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; and Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California, may proceed after that date if no additional claimants come forward.

San Diego State University is responsible for notifying the Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California; Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California; Capitan Grande Band of Diegueno Mission Indians of California; Ewiiapaayp Band of Kumeyaay Indians, California; Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California; Jamul Indian Village of

California; La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California; Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California; Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California; San Pasqual Band of Diegueno Mission Indians of California; Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, California; Sycuan Band of Diegueno Mission Indians of California; Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California; and the Kumeyaay Cultural Repatriation Committee, which is composed of the authorized NAGPRA representatives of the aforementioned Indian tribes, that this notice has been published.

Dated: April 15, 2009

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E9–12259 Filed 5–26–09; 8:45 am]

**BILLING CODE 4312–50–S**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO–923–1430–ET; COC–70988]

#### **Public Land Order No. 7733; Withdrawal of Public Land for Emerald Mountain Recreation Management Area; Colorado**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws approximately 4,138 acres of public lands from all forms of appropriation under the public land laws, including the United States mining laws, and the mineral and geothermal leasing laws, for a period of 20 years for the Bureau of Land Management to protect the scenic, recreation, water quality and wildlife habitat values of the Emerald Mountain Recreation Management Area in Routt County, Colorado.

**DATES:** *Effective Date:* May 22, 2009.

**FOR FURTHER INFORMATION CONTACT:** John D. Beck, Branch of Lands and Realty, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7093, 303–239–3882.

**SUPPLEMENTARY INFORMATION:** The lands embraced within the exterior boundaries of this withdrawal were recently acquired by the Bureau of Land Management from the State of Colorado to protect the scenic, recreation, water quality and wildlife habitat values.

**Order**

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act, 43 U.S.C. 1714 (2000), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including location and entry under the United States mining laws, (30 U.S.C. Ch. 2 (2000)), and the geothermal and mineral leasing laws, to protect scenic, recreation, water quality and wildlife values of the Emerald Mountain Recreation Management Area: Sixth Principal Meridian

*T. 6 N., R. 85 W.,*

sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , excepting and excluding the west 100 feet thereof and the north 100 feet thereof;

sec. 15, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;

sec. 21, that portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ SE $\frac{1}{4}$  lying North and East of the centerline of the Cow Creek Road (County Road No. 45) excepting the traverse and right-of-way, whether an easement or in fee, for County Road No. 45;

sec. 22;

sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

secs. 25 and 26;

secs. 27, 34, and 35, those portions lying north and east of the centerline of the Cow Creek Road (County Road No. 45);

*Excepting Therefrom* a parcel of land containing 123.78 acres located in secs. 23 and 24 of T. 6 N., R. 85 W. of the 6th P.M. Routt County, Colorado, described as follows: Beginning at a point on the North side of an existing road (top of ridge) and on the North line of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 from which the Northwest corner of said sec. 23 bears N89°13'32"W 164.58 feet;

Thence East along the North line of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 to the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 and the Northwest corner of a parcel of land which is described at Reception Number 610794 (State: of Colorado Patent No. 8350) of the Routt County Clerk and Records Records;

Thence South along the West line of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 and along the West line said Reception Number 610794;

Thence East along the South line of the said NE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 and along a South line said Reception Number 610794;

Thence South along the West line of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 and along a West line said Reception Number 610794;

Thence East along the South line of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 23 and along a South line said Reception Number 610794;

Thence South along the West line of the said NE $\frac{1}{4}$  of sec. 23 and along a West line said Reception Number 610794;

Thence South along the West line of the said N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of sec. 23 and along a West line said Reception Number 610794;

Thence East along the South line of the said N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of sec. 23 and along the South line said Reception Number 610794;

Thence East along the South line of the said N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 24 and along the South line said Reception Number 610794;

Thence North along the East line of the said N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 24 and along an East line said Reception Number 610794;

Thence East along the South line of the said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 24 and along a South line said Reception Number 610794;

Thence North along the East line of the said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of sec. 24 and along an East line said Reception Number 610794 to the VOR Boundary Line (State Lease No. S-40743);

Thence along the VOR Boundary Line S12°50'38"E 299.28 feet;

Thence S33°42'38"E 22.93 feet to the said North side of an existing road (top of ridge);

Thence along the North side of an existing road (top of ridge) the following 110 calls;

Thence S50°53'35"W 74.77 feet;

Thence S30°01'45"W 154.66 feet;

Thence S28°31'35"W 87.10 feet;

Thence S69°35'54"W 81.43 feet;

Thence S85°40'20"W 60.86 feet;

Thence S49°17'24"W 58.86 feet;

Thence S41°56'59"W 134.03 feet;

Thence S37°38'18"W 87.73 feet;

Thence S15°35'30"W 79.00 feet;

Thence S49°46'21"W 108.55 feet;

Thence S12°48'13"W 74.61 feet;

Thence S38°47'34"W 88.97 feet;

Thence N85°43'33"W 115.46 feet;

Thence N31°26'52"W 73.54 feet;

Thence N14°56'20"W 104.21 feet;

Thence N56°36'48"W 84.47 feet;

Thence N86°58'32"W 25.88 feet;

Thence N54°51'32"W 72.09 feet;

Thence S85°51'12"W 105.33 feet;

Thence S61°17'43"W 268.38 feet;

Thence S40°58'52"W 112.92 feet;

Thence S52°06'13"W 122.46 feet;

Thence S60°18'48"W 136.16 feet;

Thence S76°44'29"W 99.18 feet;

Thence S86°42'26"W 66.02 feet;

Thence S68°09'27"W 71.14 feet;

Thence S72°42'33"W 86.80 feet;

Thence S76°38'34"W 74.19 feet;

Thence S58°25'05"W 104.46 feet;

Thence S83°56'22"W 58.42 feet;

Thence N64°17'55"W 154.26 feet;

Thence S84°05'15"W 114.25 feet;

Thence S88°58'19"W 132.72 feet;

Thence S68°36'20"W 53.92 feet;

Thence S76°57'09"W 103.67 feet;

Thence N82°43'50"W 152.63 feet;

Thence S65°04'59"W 131.51 feet;

Thence S81°58'30"W 50.01 feet;

Thence N66°22'44"W 103.89 feet;

Thence N67°36'04"W 142.14 feet;

Thence N81°15'18"W 101.71 feet;

Thence N88°03'08"W 91.61 feet;

Thence N85°51'10"W 83.84 feet;

Thence S63°07'53"W 96.98 feet;

Thence S87°19'55"W 52.62 feet;

Thence N81°02'21"W 52.60 feet;

Thence S72°58'28"W 102.27 feet;

Thence N85°45'58"W 46.89 feet;

Thence N76°50'26"W 121.49 feet;

Thence N66°37'46"W 82.62 feet;

Thence N70°03'27"W 102.49 feet;

Thence N86°09'48"W 144.29 feet;

Thence N61°19'11"W 54.13 feet;

Thence N77°29'21"W 236.46 feet;

Thence N65°54'30"W 63.61 feet;

Thence N51°07'21"W 64.32 feet;

Thence N39°08'23"W 177.57 feet;

Thence N63°13'32"W 88.53 feet;

Thence N35°43'27"W 75.59 feet;

Thence N66°17'06"W 108.99 feet;

Thence N57°14'02"W 58.33 feet;

Thence N82°43'22"W 85.03 feet;

Thence N37°25'09"W 44.39 feet;

Thence N24°09'53"W 38.91 feet;

Thence N47°56'52"W 94.25 feet;

Thence N41°56'57"W 110.76 feet;

Thence N25°13'06"W 129.66 feet;

Thence N41°27'24"W 64.04 feet;

Thence N11°22'34"W 70.79 feet;

Thence N41°16'24"W 120.61 feet;

Thence N59°17'37"W 98.64 feet;

Thence N62°59'30"W 23.50 feet;

Thence N32°41'09"W 75.57 feet;

Thence N41°54'29"W 85.05 feet;

Thence N29°45'20"W 96.36 feet;

Thence N04°54'34"W 105.47 feet;

Thence N17°02'34"W 104.53 feet;

Thence N42°24'33"W 42.32 feet;

Thence N73°51'48"W 148.88 feet;

Thence N66°36'39"W 31.71 feet;

Thence N45°56'30"W 110.06 feet;

Thence N3730 18"W 78.07 feet;

Thence N29°31'07"W 97.61 feet;

Thence N39°24'56"W 140.33 feet;

Thence N31°39'34"W 136.12 feet;

Thence N41°49'43"W 89.75 feet;

Thence N68°54'22"W 109.23 feet;

Thence N51°31'11"W 70.02 feet;

Thence N15°08'01"W 15.17 feet;

Thence N15°27'12"E 108.56 feet;

Thence N21°37'52"E 105.46 feet;

Thence N06°44'53"E 107.26 feet;

Thence N03°03'35"E 68.31 feet;

Thence N21°05'16"E 93.84 feet;

Thence N00°26'27"E 65.96 feet;

Thence N09°16'03"E 57.58 feet;

Thence N18°37'13"W 72.17 feet;

Thence N37°53'14"W 124.39 feet;

Thence N61°43'36"W 89.58 feet;

Thence N50°42'33"W 86.54 feet;

Thence N53°38'51"W 83.66 feet;

Thence N37°16'48"W 46.09 feet;

Thence N17°28'58"W 56.27 feet;

Thence N06°24'06"W 44.49 feet;

Thence N16°53'31"W 106.95 feet;

Thence N05°02'10"W 224.13 feet;

Thence N14°40'37"W 82.61 feet;

Thence N28°19'20"W 76.69 feet;

Thence N11°15'24"W 69.14 feet;

Thence N00°55'11"W 21.10 feet to the Point of Beginning.

All bearings shown hereon are based upon the North line of the NE $\frac{1}{4}$  of said sec. 24 as being N89°24'02"W.

The areas described aggregate 4,138.52 acres, more or less, in Routt County according to United States Government Survey and James B. Ackerman, R.L.S. 416394, of Emerald Mountain Surveys, Inc., Steamboat Springs, Colorado 80477.

2. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review

conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (2000), the Secretary determines that the withdrawal shall be extended.

Dated: May 19, 2009.

**Ken Salazar,**

*Secretary of the Interior.*

[FR Doc. E9-12307 Filed 5-21-09; 4:15 pm]

**BILLING CODE 4310-JB-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-451 (Second Review)]

### Gray Portland Cement and Cement Clinker From Mexico

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

**ACTION:** Termination of review.

**SUMMARY:** On April 6, 2009, the U.S. Department of Commerce published notice of the revocation of its antidumping duty order on gray portland cement and cement clinker from Mexico and termination of the sunset review of the order (74 FR 15435). Accordingly, the Commission gives notice that its antidumping duty review concerning gray portland cement and cement clinker from Mexico (Investigation No. 731-TA-451 (Second Review)) is terminated.

**DATES:** *Effective Date:* April 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Jim McClure (202-205-3191 or via e-mail [james.mcclure@usitc.gov](mailto:james.mcclure@usitc.gov)), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. 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 (<http://www.usitc.gov>). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**Authority:** This investigation is being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: May 20, 2009.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E9-12261 Filed 5-26-09; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Pursuant to Department of Justice policy, notice is hereby given that, on May 18, 2009, a proposed Consent Decree in *In re James Piolet*, Case No. 06-01026 (Bankr. N.D. Ill.) and *In re J.P. Investments, Inc.*, Case No. 06-01037 (Bankr. N.D. Ill.) was lodged with the United States Bankruptcy Court for the Northern District of Illinois. The Consent Decree provides for recovery of response costs that the U.S. Environmental Protection Agency ("EPA") has incurred and will incur in addressing environmental contamination at two sites: the Midwest Metallics Site in Summit, Illinois and the H&H Enterprises Site in Gary, Indiana. The United States has asserted a claim against the J.P. Investments bankruptcy estate for \$5,087,276 in costs associated with the Midwest Metallics Site and it has asserted a claim against the James Piolet bankruptcy estate for \$3,210,411.66 in costs associated with the H&H Enterprises Site.

The proposed Consent Decree would resolve the United States' claims in the two bankruptcy cases in exchange for providing EPA: (i) A \$700,000.00 allowed secured claim against the James Piolet bankruptcy estate, to be paid on a priority basis pursuant to 11 U.S.C. 725; (ii) a \$2,510,411.66 allowed general unsecured claim against the James Piolet bankruptcy estate; (iii) a \$3,391,517.33 allowed general unsecured claim against the J.P. Investments bankruptcy estate; and (iv) a \$1,695,758.67 allowed general unsecured subordinated claim against the J.P. Investments bankruptcy estate.

The Department of Justice will receive comments relating to the Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or in hard copy to U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. Comments should refer to *In re James Piolet* and *In re J.P. Investments, Inc.*

and D.J. Ref. Nos. 90-11-2-1092/2 and 90-11-2-1092/3.

The Consent Decree may be examined at the offices of the U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 14th Floor, Chicago, Illinois. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.25 (17 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

**Maureen M. Katz,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E9-12185 Filed 5-26-09; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree In United States v. MI Metals, Inc. Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on May 20, 2009, a proposed consent decree ("Consent Decree") between MI Metals, Inc. ("MI Metals") and the United States, Civil Action No. 8:09-cv-921, was lodged with the United States District Court for the Middle District of Florida, Tampa Division.

The Consent Decree would resolve claims asserted by the United States against MI Metals pursuant to Section 113(b) of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b), seeking injunctive relief and the assessment of civil penalties for MI Metal's violations of Section 112 of the Act, 42 U.S.C. 7412, and the National Emissions Standards for Hazardous Air Pollutants ("NESHAP") for Secondary Aluminum Production, codified at 40 CFR Part 63, Subparts A and RRR, and Rule 62-204.800(11) of the Florida Administrative Code (which incorporates the federal regulations by reference). Pinellas County is a party to the settlement and has moved to intervene in this action.

MI Metals operates a secondary aluminum production facility in Oldsmar, Pinellas County, Florida. The