

Dated: May 30, 2008.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E8-14230 Filed 6-23-08; 8:45 am]

**BILLING CODE 4312-50-S**

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### **Notice of Inventory Completion: University of Hawai'i at Hilo, Department of Anthropology, Hilo, HI**

**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 in the possession and control of the University of Hawai'i at Hilo, Department of Anthropology, Hilo, HI. The human remains were removed from Hawai'i Island, HI.

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. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by University of Hawai'i at Hilo professional staff in consultation with representatives of the Hawai'i Island Burial council, Hui Malama I Na Kupuna O Hawai'i Nei, and Office of Hawaiian Affairs.

In the late 1970s or early 1980s, human remains representing a minimum of one individual were removed from an unknown shoreline location near the old Kona Airport in the North Kona District, Hawai'i Island, HI. An unknown student delivered the human remains to faculty in the anthropology department at that time. No known individual was identified. No associated funerary objects are present.

The human remains are heavily weathered and come from an area where shoreline erosion of Native Hawaiian human remains is well documented. Property ownership in the area includes both State land and private land and it is unclear where the human remains originated. Based on the lack of definitive information of removal and location, the University of Hawai'i at Hilo has proceeded as the responsible entity.

Officials of the University of Hawai'i at Hilo have determined that, pursuant

to 25 U.S.C. 3001 (9-10), the human remains described above represent the physical remains of one individual of Native Hawaiian ancestry. Officials of the University of Hawai'i at Hilo also 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 Hawaiian human remains and Hui Malama I Na Kupuna O Hawai'i Nei and Office of Hawaiian Affairs.

Representatives of any other Native Hawaiian Organization or Indian tribe that believes itself to be culturally affiliated with the human remains should contact Peter R. Mills, Department of Anthropology, Social Sciences Division, University of Hawai'i at Hilo, 200 West Kawili Street, Hilo, HI 96720-4091, telephone (808) 974-7465, before July 24, 2008. Repatriation of the human remains jointly to the Hui Malama I Na Kupuna O Hawai'i Nei and Office of Hawaiian Affairs may proceed after that date if no additional claimants come forward.

The University of Hawai'i at Hilo is responsible for notifying the Hawai'i Island Burial council, Hui Malama I Na Kupuna O Hawai'i Nei, and Office of Hawaiian Affairs that this notice has been published.

Dated: May 30, 2008

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. E8-14227 Filed 6-23-08; 8:45 am]

**BILLING CODE 4312-50-S**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-567]

### **In the Matter of Certain Foam Footwear; Notice of Commission Determination to Review-In-Part a Final Initial Determination Finding No Violation of Section 337**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part the presiding administrative law judge's ("ALJ") final determination (ID) finding no violation of section 337 in the above-captioned investigation with respect to U.S. Patent No. 6,993,858 ("the '858 patent") and U.S. Patent No. D517,789 ("the '789 patent").

**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 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 May 11, 2006, based on a complaint, as amended, filed by Crocs, Inc. ("Crocs") of Niwot, Colorado. 71 FR 27514 (2006). The amended complaint 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 foam footwear, by reason of infringement of claims 1-2 of U.S. Patent No. 6,993,858; U.S. Patent No. D517,789; and the Crocs trade dress (the image and overall appearance of Crocs-brand footwear). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint requests that the Commission issue a permanent general exclusion order and permanent cease and desist orders. The complaint identifies 11 respondents that include: (1) Collective Licensing International, LLC ("Collective") of Englewood, Colorado; (2) Double Diamond Distribution Ltd. ("Double Diamond") of Saskatoon, Saskatchewan; (3) Effervescent Inc. ("Effervescent") of Fitchburg, Massachusetts; (4) Gen-X Sports, Inc. ("Gen-X Sports") of Toronto, Ontario; (5) Holey Shoes Holding Ltd. ("Holey Shoes") of Vancouver, British Columbia; (6) Australia Unlimited, Inc. of Seattle, Washington; (7) Cheng's Enterprises Inc. of Carlstadt, New Jersey; (8) D. Myers & Sons, Inc. of Baltimore, Maryland; (9) Inter-Pacific Trading Corp. of Los Angeles, California; (10) Pali Hawaii of Honolulu, Hawaii; and (11) Shaka Shoes of Kaliua-Kona, Hawaii. The Commission terminated the investigation as to the trade dress allegation on September 11, 2006. A

twelfth respondent, Old Dominion Footwear, Inc. of Madison Heights, Virginia, was added to the investigation on October 10, 2006. All but five respondents have been terminated from the investigation on the basis of a consent order, settlement agreement, or undisputed Commission determination of non-infringement. The five remaining respondents are: (1) Collective; (2) Double Diamond; (3) Effervescent; (4) Gen-X Sports; and (5) Holey Shoes.

On April 11, 2008, the ALJ issued his final ID finding no violation of section 337 by the remaining respondents. On April 24, 2008, the Commission issued a notice extending the deadline for determining whether to review the final ID by 15 days to June 11, 2008. On June 11, 2008, the Commission issued a notice extending the deadline for determining whether to review the final ID by 7 days to June 18, 2008.

Upon considering the parties' filings, the Commission has determined to review-in-part the final ID. Specifically, with respect to the '789 patent, the Commission has determined to review the ALJ's findings concerning non-infringement by the respondents' products and lack of satisfaction of the technical prong of the domestic industry requirement by Crocs' footwear. The Commission has also determined to review the ALJ's finding of invalidity with respect to the '858 patent. The Commission does not request any further written submissions at this time.

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 210.42–45 of the Commission's Rules of Practice and Procedure, 19 CFR 210.42–45.

By order of the Commission.  
Issued: June 18, 2008.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E8–14179 Filed 6–23–08; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on June 11, 2008, a proposed Consent Decree in *United States et al. v. Centex Homes, a Nevada General Partnership*, Civil Action No. 1:08CV605 was lodged with the United States District Court for the Eastern District of Virginia.

In this action the United States sought civil penalties and injunctive relief for alleged violations of the Clean Water

Act ("CWA"), 33 U.S.C. 1311 *et seq.*, as well as violations of state and federal National Pollutant Discharge Elimination System ("NPDES") permits governing the discharge of storm water from Centex's construction sites. The proposed consent decree would require Centex to pay a civil penalty of \$1,485,000 and implement a company-wide compliance program that goes beyond current regulatory requirements.

The 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](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. Centex Homes*, D.J. Ref. No. 90–5–1–1–08059.

The consent decree and associated appendices may be examined at the Office of the United States Attorney, Eastern District of Virginia, 2100 Jamieson Avenue, Alexandria, Virginia 22314. During the public comment period, the consent decree also may 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 and the associated appendices may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, 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 \$ 39.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. To obtain a copy of the proposed consent decree exclusive of exhibits, please enclose a check in the amount of \$19.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. All requests for documents should refer to *United States v. Centex Homes*, Civil Action Number 1:08CV605, and D.J. Ref. No. 90–5–1–1–08059.

**Karen Dworkin,**

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

[FR Doc. E8–14095 Filed 6–23–08; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on June 11, 2008, a proposed Consent Decree in *United States et al. v. KB Home*, Civil Action No. 1:08CV603 was lodged with the United States District Court for the Eastern District of Virginia.

In this action the United States sought civil penalties and injunctive relief for alleged violations of the Clean Water Act ("CWA"), 33 U.S.C. 1311 *et seq.*, as well as violations of state and federal National Pollutant Discharge Elimination System ("NPDES") permits governing the discharge of storm water from KB Home's construction sites. The proposed consent decree would require KB Home to pay a civil penalty of \$1,185,000 and implement a company-wide compliance program that goes beyond current regulatory requirements.

The 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](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States v. KB Home*, D.J. Ref. No. 90–5–1–1–08057.

The consent decree and associated appendices may be examined at the Office of the United States Attorney, Eastern District of Virginia, 2100 Jamieson Avenue, Alexandria, Virginia 22314. During the public comment period, the consent decree also may 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 and the associated appendices may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, 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 \$34.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. To obtain a copy of the proposed consent decree exclusive of exhibits, please enclose a check in the