

Officials of the Army Corps of Engineers, Portland District have determined that, pursuant to 25 U.S.C. 3001(9), the human remains described above represent the physical remains of a minimum number of 20 individuals of Native American ancestry. Officials of the Army Corps of Engineers, Portland District also have determined that, pursuant to 25 U.S.C. 3001(3)(A), the 907 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 Army Corps of Engineers, Portland District 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 Confederated Tribes of the Umatilla Indian Reservation, Oregon.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Ms. Gail Celmer, NAGPRA Coordinator, Environmental Resources Branch, U.S. Department of Defense, Army Corps of Engineers, Portland District, P.O. Box 2946, Portland, OR 97208-2946, telephone (503) 808-4762, before November 7, 2003. Repatriation of the human remains and associated funerary objects to the Confederated Tribes of the Umatilla Indian Reservation, Oregon may proceed after that date if no additional claimants come forward.

The Army Corp of Engineers, Portland District is responsible for notifying the Confederated Tribes of the Umatilla Indian Reservation, Oregon that this notice has been published.

Date: August 7, 2003

**John Robbins,**

*Assistant Director, Cultural Resources*

[FR Doc. 03-25535 Filed 10-7-03; 8:45 am]

**BILLING CODE 4310-70-S**

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-495]

### In the Matter of Certain Breath Test Systems for the Detection of Gastrointestinal Disorders and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation on the Basis of a Consent Order; Issuance of Consent Order

**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 the presiding administrative law judge's ("ALJ's") initial determination ("ID") (Order No. 4) terminating the above-captioned investigation on the basis of a consent order.

**FOR FURTHER INFORMATION CONTACT:** Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone: (202) 205-3090. Copies of the ALJ's ID and all other nonconfidential 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 (<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 July 30, 2003, based on a complaint filed by Meretek Diagnostics, Inc. of Lafayette, Colorado, and Medquest PTY, Ltd. of Perth, Australia. 68 FR 44812 (July 30, 2003). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain breath test systems for the detection of gastrointestinal disorders and components thereof by reason of

infringement of claims 1, 2, 3, and 5 of U.S. Patent No. 4,830,010. The complaint and notice of investigation named Oridion Systems, Ltd.; Oridion Medical 1987 Ltd.; Oridion BreathID Ltd.; and Oridion BreathID Inc. as respondents.

On September 2, 2003, complainants and respondents filed a joint motion pursuant to Commission rule 210.21(c) to terminate the investigation as to all respondents on the basis of a consent order. The motion included a consent order stipulation and a proposed consent order. The Commission investigative attorney supported the motion. On September 12, 2003, the ALJ issued the subject ID terminating the investigation in its entirety on the basis of a consent order. No petitions for review of the ID were filed.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.42).

By order of the Commission.

Issued: October 1, 2003.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03-25455 Filed 10-7-03; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

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

In accordance with 28 U.S.C. 50.7, notice is hereby given that on September 30, 2003, a proposed Consent Decree in *United States v. CHS Inc.*, Civil Action No. CV:03-153-BLG-RWA, was lodged with the United States District Court for Montana.

In this action, the United States sought injunctive relief and penalties against CHS Inc. ("Cenex"), pursuant to Section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) (1983), amended by, 42 U.S.C. 7413(b) (Supp. 1991) for alleged CAA violations at Cenex's refinery in Laurel, Montana in a complaint that was filed simultaneously with the Consent Decree.

The proposed Consent Decree requires Cenex to implement innovative pollution control technologies to greatly reduce emissions of nitrogen oxides ("NO<sub>x</sub>") and sulfur dioxide ("SO<sub>2</sub>") from refinery process units and adopt facility-wide enhanced monitoring and fugitive emission control programs. In addition, Cenex will pay a civil penalty

of \$85,937.50 for settlement of the claims in the United States' complaint, and Cenex will pay \$85,937.50 for settlement of claims raised by the State of Montana. Cenex also will perform environmentally beneficial projects. The State of Montana will join in this settlement as a signatory of the Consent Decree.

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, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044-7611, and should refer to *United States, et al., v. CHS Inc.*, D.J. Ref. 90-5-2-1-07726.

The Consent Decree may be examined at the Office of the United States Attorney, 2929 3rd Ave North, Suite 400, Billings, MT 59101 (attn: Lorraine Gallinger), and at U.S. EPA Region 8, 999 18th Street Suite 300, Denver, CO 80202-2466 (attn: David Rochlin). 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/open.html>. A copy of the Consent Decree 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 of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$40.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. Brook,**

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

[FR Doc. 03-25551 Filed 10-7-03; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

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

In accordance with 28 U.S.C. 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622, notice is hereby given that on September 25, 2003, a proposed Consent Decree in *United States v. Horsehead Industries, Inc. et al.*, Civil Action No. 3:CV-98-

0654, was lodged with the United States District Court for the Middle District of Pennsylvania.

In this action, the United States sought under Section 107 and 113 of CERCLA, 42 U.S.C 9607 and 9613, to recover past and future response costs incurred by EPA at the Palmerton Zinc Pile Superfund Site ("Site") located in and around the Borough of Palmerton, Carbon County, Pennsylvania.

The Site consists of a broad area impacted by emissions of contaminants from zinc smelting and recovery operations. For purposes of remediation, EPA divided the Site into four operable units. OU-1 consists of approximately 2,000 acres of Blue Mountain defoliated by heavy metals and other airborne contaminants. A portion of the area within OU-1 overlaps the Appalachian Trail and is owned and managed by the Department of the Interior ("DOI") through the National Park Service ("NPS"). OU-2 consists of an approximately 2½ mile long, ten story high, "Cinder Bank" which is composed of smelting residues and other zinc processing byproducts deposited along the base of Blue Mountain. OU-3 consists of soil contamination in the valley between Blue Mountain and Stoney Ridge, which includes the Borough of Palmerton itself. OU-4 consists primarily of area-wide surface water and groundwater contamination.

The proposed Consent Decree requires Settling Defendants to pay approximately \$12.85 million in reimbursement of past response costs incurred by EPA. In addition, Settling Defendant agree to implement the remedial actions at OU-1 and OU-3, and to perform the operation and maintenance activities at OU-2, at a projected costs of \$27 million. Settling Defendants also agree to pay DOI \$700,000 for past and future costs related to OU-1. Finally, Settling Defendants agree to dismiss counterclaims that they filed against the United States under Sections 107 and 113 of CERCLA. The United States reserves all rights to pursue additional actions against the Settling Defendants with respect to the portions of the Site not addressed in this settlement.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United*

*States v. Horsehead Industries, Inc. et al.*, D.J. Ref. 90-11-2-271m.

The Consent Decree may be examined at the Office of the United States Attorney for the Middle District of Pennsylvania, Federal Courthouse Building, 228 Walnut Street, Suite 220, Harrisburg, PA 17108, and at U.S. EPA Region III, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103-2029. 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/open.html>. A copy of the Consent Decree 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 of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$33.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. Copies of the appendices to the Consent Decree are also available at an additional charge of 25 cents per page.

**Robert Brook,**

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

[FR Doc. 03-25553 Filed 10-7-03; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on September 25, 2003, a proposed Consent Decree in *United States v. City of Long Beach, California*, Civil Action No. CV 01-08790 PA (RCx) was lodged with the United States District Court for the Central District of California.

In this action the United States sought to recover unpaid response costs, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, ("CERCLA") incurred by the Environmental Protection Agency in connection with the release of hazardous substances at the Enviropur West Corporation Superfund Site, located in Signal Hill, California. Under the proposed Consent Decree, the City will pay \$290,000 to the Hazardous Substance Superfund to