FL (documented wife of Burton Hunter).

In the PF, the Department discussed in detail Lucy —[7—] Hunter as well as the L. Pope and Lucy Pope the petitioner claimed as the wife of Burton Hunter. None of the evidence for the PF demonstrated any descent from a historical Choctaw Indian tribe or other historical Indian tribe for Lucy Hunter or the other Pope women the petitioner claimed. The evidence behind the Dawes Commission Roll index reference pertains to a Lucy Pope who is not the petitioner’s claimed ancestor although her married name is the same as that of two individuals previously analyzed in the PF. Therefore, the Dawes Commission Roll evidence does not demonstrate Indian ancestry for Burton Hunter’s documented wife Lucy or either of the Pope women whom the petitioner claimed as the wife of its ancestor Burton Hunter.

None of the material submitted for the FD changes the conclusions of the PF that the petitioner does not meet the requirements of criterion 83.7(e), which requires that the petitioner’s membership consist of individuals who descend from a historical Indian tribe or from historical Indian tribes that combined and functioned as a single autonomous political entity.

To summarize, the petitioner claims to have descended as a group from a historical tribe of Choctaw Indians. There is no primary or reliable secondary evidence submitted by the petitioner or located by the Department showing that any of the named ancestors or members of the group descended from a historical Choctaw Indian tribe or any other Indian tribe. None of the documentation on the petitioner’s members and their claimed individual ancestors, submitted by the petitioner or found by the Department’s researchers, supports the petitioner’s claim of descent from a historical Choctaw Indian tribe or any other Indian tribe. No document in the record identified the petitioner’s members and claimed ancestors as part of the historical Choctaw or other Indian tribe. In fact, the evidence shows the petitioner’s members and claimed ancestors were consistently identified as non-Indians living in non-Indian communities. The extensive evidence in the record does not demonstrate descent from any historical Indian tribe.

The Department declines to acknowledge the CNF petitioner as an Indian tribe because the evidence in the record does not demonstrate, by the standard set forth at 25 CFR 83.6(d), that the membership descends from a historical Indian tribe as required by mandatory criterion 83.7(e).

After the publication of notice of the FD, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures set forth in section 83.11 of the regulations. The IBIA must receive this request no later than 90 days after the publication of the FD in the Federal Register. The FD will become final and effective as provided in the regulations 90 days from the Federal Register publication, unless a request for reconsideration is received within that time.

Dated: April 21, 2011.
Larry Echo Hawk,
Assistant Secretary—Indian Affairs.
[FR Doc. 2011–10117 Filed 4–26–11; 8:45 am]
INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–770]

In the Matter of Certain Video Game Systems and Wireless Controllers and Components Thereof; Notice of Institution of Investigation


ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 21, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Creative Kingdoms, LLC of Wakefield, Rhode Island and New Kingdoms, LLC of Nehalem, Oregon. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain video game systems and wireless controllers and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,500,917 ("the '917 patent"); U.S. Patent No. 6,761,637 ("the '637 patent"); U.S. Patent No. 7,850,527 ("the '527 patent"); and U.S. Patent No. 7,896,742 ("the '742 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone 202–205–2000. 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 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.


Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 19, 2011, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain video game systems and wireless controllers and components thereof that infringe one or more of claims 1–7 of the '917 patent; claims 1, 2, 7, 11, 14, 17, and 72 of the '637 patent; claims 1–12, 17–19, 22–24, 27, 37–41, 45–50 of the '527 patent; and claim 24 of the '742 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:
Creative Kingdoms, LLC, 195 Walden Way, Wakefield, RI 02879.
New Kingdoms, LLC, 17005 Miami Forest Road, Nehalem, OR 97131.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Nintendo Co., Ltd., 11–1 Kamitoba hokotate-cho, Minami-ku, Kyoto 601–8501, Japan.

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

Notice is hereby given that on April 12, 2011, a proposed Consent Decree was lodged with the United States District Court for the Eastern District of Wisconsin in United States v. Waste Management of Wisconsin, Inc., et al., Civil Action No. 2:11–cv–00346–WEC.

In this action, the United States asserted claims against thirty-eight parties for recovery of response costs incurred by the United States in connection with the Muskego Sanitary Landfill Superfund Site (the “Site”) in Muskego, Wisconsin, pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. 9606 and