

Mille Lacs Band; White Earth Band); Nottawaseppi Huron Band of the Potawatomi, Michigan (previously listed as the Huron Potawatomi, Inc.); Pokagon Band of Potawatomi Indians, Michigan and Indiana; Saginaw Chippewa Indian Tribe of Michigan; and the Sault Ste. Marie Tribe of Chippewa Indians, Michigan.

The Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Chippewa Cree Indians of the Rocky Boy's Reservation, Montana (previously listed as the Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana); Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; Ottawa Tribe of Oklahoma; Prairie Band Potawatomi Nation (previously listed as the Prairie Band of Potawatomi Nation, Kansas); Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; Red Lake Band of Chippewa Indians, Minnesota; Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; Turtle Mountain Band of Chippewa Indians of North Dakota; and the Wyandotte Nation were invited but chose not to participate.

Hereafter, the Indian Tribes listed above are referred to as "The Consulted and Invited Tribes."

### History and Description of the Remains

In 1945, human remains representing, at minimum, nine individuals were removed from the Scoto Mounds in Genesee County, MI. The human remains were excavated from the mounds by the acting curator of the Genesee County Historical Society and a group of volunteers, and were added to the collection of that organization. In 1966, upon the opening of the Sloan Museum, ownership of the collection of the Genesee County Historical Society was transferred to the Sloan Museum. Much of the human remains are too fragmentary to define age or sex; however, it was determined that among the nine individuals, there are four children and two adults, of whom two are male and two are probably female. No known individuals were identified. The human remains were not dated at the time of the analysis, and there are no cultural artifacts that would aid in determining the date of the human remains. The one associated funerary object is a deer scapula.

### Determinations Made by the Sloan Museum

Officials of the Sloan Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American, based on an osteological analysis completed by the Michigan State University Department of Anthropology.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of nine individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described in this notice is 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.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and associated funerary objects and any present-day Indian Tribe.
- According to final judgements of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of Saginaw Chippewa Indian Tribe of Michigan.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of The Consulted and Invited Tribes.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Consulted and Invited Tribes.

### Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Geoff Woodcox, Curator of Collections, Sloan Museum, 1221 E Kearsley Street, Flint, MI 48503, telephone (810) 237-3434, email [gwoodcox@sloanlongway.org](mailto:gwoodcox@sloanlongway.org), by July 29, 2019. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to The Consulted and Invited Tribes may proceed.

The Sloan Museum is responsible for notifying The Consulted and Invited Tribes that this notice has been published.

Dated: June 5, 2019.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2019-13838 Filed 6-27-19; 8:45 am]

BILLING CODE 4312-52-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000  
190S180110; S2D2S SS08011000  
SX064A000 19XS501520]

### Notice of Record of Decision for the Western Energy Company's Rosebud Mine Area F Final Environmental Impact Statement

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

**ACTION:** Notice of Record of Decision.

**SUMMARY:** In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Office of Surface Mining Reclamation and Enforcement (OSMRE) has prepared a Record of Decision (ROD) for the Final Environmental Impact Statement (EIS) for the Western Energy Company's Rosebud Mine Area F (Project) in southeastern Montana. This Notice of Availability (NOA) serves to notify the public that OSMRE has prepared the ROD and it is available for review. In developing the ROD, the OSMRE considered the public comments received on the Final EIS.

**ADDRESSES:** You can download the ROD at the following OSMRE Western Region website: <https://www.wrcc.osmre.gov/initiatives/westernEnergy/documentLibrary.shtm>.

### FOR FURTHER INFORMATION CONTACT:

Logan Sholar, OSMRE Project Coordinator; Telephone: 303-293-5036; Address: 1999 Broadway Street, Suite 3320, Denver, Colorado 80202-3050; email: [lsholar@osmre.gov](mailto:lsholar@osmre.gov). Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

### SUPPLEMENTARY INFORMATION:

- I. Background on the Project
- II. Background on the Rosebud Mine
- III. Background on Rosebud Mine Area F
- IV. Alternatives
- V. Environmental Impact Analysis
- VI. Decision

## I. Background on the Project

The purpose of the Project is to consider continued operations at the Rosebud Mine by permitting and developing a new surface mine permit area, known as permit Area F. Western Energy submitted a permit application package to the Montana Department of Environmental Quality (DEQ) for the proposed 6,746-acre permit Area F (also referred to as the project area) at the Rosebud Mine, which is an existing 25,455-acre surface coal mine annually producing 8.0 to 10.25 million tons of low-sulfur subbituminous coal. The DEQ is the regulatory authority for permitting actions involving Federal coal in Montana. See 30 CFR 926.10. If the Federal mining plan for the Project is approved as proposed, at the current rate of production, the operational life of the Rosebud Mine would be extended by 8 years. Mining operations in the project area, which would commence after all permits and approvals have been secured and a reclamation and performance bond has been posted, would last 19 years. Approximately 68.5 million tons of private and Federal recoverable coal reserves exist in the project area and would be removed during the 19-year operations period. As with other permit areas of the Rosebud Mine, all coal would be combusted locally at the Colstrip and Rosebud Power Plants.

Western Energy obtained a surface coal mine operating permit from DEQ (pursuant to the Montana Strip and Underground Mine Reclamation Act (MSUMRA), Section 82–4–221 *et seq.*, Montana Code Annotated) on April 18, 2019. Federal approval of the mining plan is required to mine leased Federal coal in accordance with the Mineral Leasing Act of 1920 as Amended for the proposed project area to access additional coal reserves in Federal coal lease M82186 and in privately held leases G–002 and G–002–A. OSMRE's purpose for the Project is to review the mining plan and make a recommendation to the Assistant Secretary for Land and Minerals Management (ASLM) in the form of a mining plan decision document to approve, disapprove, or approve with conditions, the proposed mining plan for the Project (30 CFR 746). The ASLM will decide whether the mining plan is approved, disapproved, or approved with conditions.

The Final EIS considered three alternatives and evaluated the direct, indirect, and cumulative effects of the Proposed Action and the other two alternatives on the environment. The Final EIS was published on November

30, 2018 followed by a 30-day waiting period after which OSMRE is able to publish the Record of Decision establishing the agency's selected alternative.

OSMRE is complied with Section 106 of the National Historic Preservation Act (NHPA Section 106)(16 U.S.C. 470f), as provided in 36 CFR 800.2(d)(3), concurrently with the NEPA process, including public involvement requirements and consultation with the State Historic Preservation Officer and Historic Preservation Officers of Tribal nations. Native American Tribal consultations are ongoing and have been conducted in accordance with applicable laws, regulations, and U.S. Department of the Interior (DOI) policy.

As part of its consideration of the proposed Project's impacts on threatened and endangered species, OSMRE conducted informal consultation as well as streamlined consultation per the final 4(d) rule for the northern long-eared bat with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act (ESA)(16 U.S.C. 1536), and its implementing regulations, as provided in 50 CFR 400. The Section 7 consultation considered direct and indirect impacts from the proposed Project, including mining and related operations in the project area and continued operation of the Colstrip and Rosebud Power Plants.

In addition to compliance with NEPA, NHPA Section 106, and ESA Section 7, all Federal actions will be in compliance with applicable requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1021–1328), the Clean Water Act (33 U.S.C. 1251–1387), the Clean Air Act (42 U.S.C. 7401–7671q), and Executive Orders relating to environmental justice, Tribal consultation, and other applicable laws and regulations.

## II. Background on the Rosebud Mine

Coal has been mined at Colstrip, MT for more than 90 years. The Northern Pacific Railway established the city of Colstrip and its associated mine in the 1920s to access coal from the Fort Union Formation. Coal mining began in 1924, providing fuel for the railway's steam locomotive trains. During the initial 34 years of mining, 44 million tons of coal were mined. By 1958, diesel-powered locomotives replaced steam engines and mining ceased in the Colstrip area.

In 1959, the Montana Power Company purchased rights to the Rosebud Mine in the city of Colstrip with plans to build power generation facilities. The Rosebud Mine operation began

production in 1968. In 2001, Westmoreland purchased the Rosebud Mine; its subsidiary, Western Energy, continues to operate the mine today. Although the Rosebud Mine has shipped coal by rail as recently as 2010, all coal currently produced by the mine is consumed locally at the Colstrip and Rosebud Power Plants.

## III. Background on the Western Energy Proposed Permit Area F

Western Energy proposes to conduct surface coal mining and reclamation operations within the 6,746-acre proposed permit Area F of the Rosebud Mine. The project area would be adjacent to the western boundary of Area C, 12 miles west of Colstrip. Western Energy proposes to conduct surface coal mining operations on an approximately 2,085-acre portion of the project area, with a total disturbance footprint, including soil storage, scoria pits, and haul roads, of approximately 4,260 acres. The project area would, in conjunction with the mining of any reserves remaining within existing permit areas A, B, and C of the Rosebud Mine, supply low-sulfur coal to the Colstrip Power Plant (Units 3 and 4) at a rate of between 7.7 and 9.95 million tons annually. In addition, coal from the Rosebud Mine with higher sulfur content would be supplied to the Rosebud Power Plant at a rate of approximately 300,000 tons annually.

Approval of the proposed permit Area F is expected to require several other agency actions, including:

- Findings and recommendations by BLM with respect to Western Energy's Resource Recovery and Protection Plan and other requirements of Western Energy's lease.
- Approval by DEQ of Western Energy's Montana Air Quality Permit #1570–07 to allow expansion of the geographic extent of the mine to include the proposed permit Area F; and
- Approval by DEQ of a new MPDES permit.

## IV. Alternatives

Alternatives carried forward in the Final EIS included the No Action Alternative (Alternative 1), the Proposed Action Alternative (Alternative 2), and the Proposed Action Plus Additional Environmental Protection Measures Alternative (Alternative 3). Several other alternatives were considered by OSMRE but not carried forward for detailed analysis in the Final EIS because they either did not meet the purpose and need of the Project or were not considered technically or economically feasible or cost-effective.

OSMRE selected Alternative 2, in part, as its preferred alternative, after consideration of all alternatives analyzed in the Final EIS. The analysis in the Final EIS considers direct, indirect, and cumulative impacts of the Proposed Action and two Alternatives. Per 40 CFR 1501.7, the issues raised during the scoping period (August 27–November 8, 2013) were used to inform the analyses and identify the alternatives considered in the EIS.

## V. Environmental Impact Analysis

The Final EIS analyzes the potential environmental impacts to 16 different resource categories, including:

- Air Quality
- Climate Change
- Geology and Soils
- Archaeology and Cultural Resources
- Water Resources and Hydrology
- Vegetation
- Wildlife and Habitats
- Special Status Species
- Land Use, Transportation, and Agriculture
- Recreation
- Social and Economic Values
- Environmental Justice
- Visual Resources
- Noise and Vibration impacts
- Hazardous and Solid Wastes
- Public Health and Safety

In accordance with the CEQ's regulations for implementing NEPA and the DOI's NEPA regulations, OSMRE solicited public comments on the Draft EIS. OSMRE responses to comments are included in Appendix F of the Final EIS. The agencies considered comments received from the public on the Draft EIS and incorporated them, as appropriate, into the Final EIS.

## VI. Decision

In consideration of the information presented above, OSMRE approves the ROD and selects Alternative 2 (the Proposed Action), in part, as described in the ROD (Section 3.2). This action can be implemented following approval of the mining plan by the ASLM.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.1.

Dated: June 18, 2019.

**David Berry,**

*Regional Director, Regions 5, 7, 8, 9, 10 and 11.*

[FR Doc. 2019–13778 Filed 6–27–19; 8:45 am]

**BILLING CODE 4310–05–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1135]

### Certain Strength-Training Systems and Components Thereof Commission Determination Not To Review an Initial Determination Granting a Joint Motion To Terminate the Investigation in Its Entirety Based on a Consent Order Stipulation and Proposed Consent Order; Issuance of a Consent Order; 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 determined not to review an initial determination (“ID”) (Order No. 11) of the presiding Administrative Law Judge (“ALJ”) granting a joint motion to terminate the investigation in its entirety based on a consent order stipulation and proposed consent order. The Commission has issued a consent order and has terminated the investigation.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3115. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on October 4, 2018, based on a complaint filed by Hoist Fitness Systems, Inc. of Poway, California (“Complainant”). 83 FR 50120 (Oct. 4, 2018). The complaint,

as supplemented, alleges a violation of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain strength-training systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,549,949; 7,563,209; 7,594,880; 7,654,938; and 7,976,440. The complaint named as respondents TuffStuff Fitness International, Inc. of Chino, California (“TuffStuff Fitness”), and Shandong Relax Health Industry Co., Ltd. of Jimo City, Qingdao, Shandong Province, China (“Relax Health”). The Office of Unfair Import Investigations was not named as a party in this investigation. *Id.* Subsequently, the investigation was terminated as to Relax Health based on the consent order. Order No. 9 dated March 26, 2019 (*unreviewed*, April 15, 2019).

On May 1, 2019, Complainant and respondent TuffStuff Fitness jointly moved to terminate this investigation in its entirety based on a consent order stipulation and proposed consent order.

On May 28, 2019, the ALJ issued the subject ID. The ALJ found that the consent order stipulation complies with the requirements of Commission Rule 210.21(c)(3), 19 CFR 210.21(c)(3). *Id.* at 2. The ALJ further found that the proposed consent order complies with the requirements of Commission Rule 210.21(c)(4), 19 CFR 210.21(c)(4). *Id.* The ALJ also found no evidence that terminating this investigation based on the consent order stipulation and the proposed consent order would be contrary to the public interest. *Id.* at 3. Based on the foregoing, the ALJ granted the joint motion.

No party petitioned for review of the ID. The Commission has determined not to review the ID. The Commission has issued a consent order and has terminated the investigation.

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 Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: June 24, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019–13784 Filed 6–27–19; 8:45 am]

**BILLING CODE 7020–02–P**