

location, material culture, and manner of interment are all consistent with traditional Apache practice. Further, based on oral history and historical documents, the Guadalupe Mountains have been identified as having been occupied by the Mescalero Apache during the historic period.

Based on the above mentioned information, officials of the Carlsbad Museum and Art Center have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of a minimum of six individuals of Native American ancestry. Officials of the Carlsbad Museum and Art Center have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 17 objects listed 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 Carlsbad Museum and Art Center have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Mescalero Apache Tribe.

This notice has been sent to officials of the Fort Sill Apache Tribe, the Mescalero Apache Tribe, and the Jicarilla Apache Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Pat Jablonsky, Director, Carlsbad Museum and Art Center, 418 West Fox Street, Carlsbad, NM 88220; telephone: (505) 887-0276, before September 3, 1998. Repatriation of the human remains and associated funerary objects to the Mescalero Apache Tribe may begin after that date if no additional claimants come forward.

Dated: July 14, 1998.

Michele Aubry,

Acting Departmental Consulting Archeologist,

Archeology and Ethnography Program.

[FR Doc. 98-20714 Filed 8-3-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of Pilgrim Hall Museum, Plymouth, MA

AGENCY: National Park Service, DOI.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of Pilgrim Hall Museum which meet the definition of "unassociated funerary objects" under Section 2 of the Act.

The 16 cultural items consist of 13 white and one dark disk-shaped wampum beads, a piece of beaten copper, and a round flate white stone.

In 1990, these cultural items were donated to Pilgrim Hall Museum by Ms. Theodora Adams of Plymouth, MA. According to documentation accompanying these cultural items, they were "dug up with a skeleton at Wollaston" (MA) at an unknown date. The location of the human remains is not known.

Wollaston, located in Quincy, Norfolk County, MA has been identified as within the traditional territory of the Massachuset people during the late pre-contact and early historic period. Following the King Philip's War in 1676, the surviving Massachuset were absorbed into Wampanoag communities. Consultation evidence, including anthropological, linguistic, oral and other traditions, provided by representatives of the Wampanoag Repatriation Confederacy indicates cultural affiliation between the Massachuset and the present-day Wampanoag culture.

Officials of Pilgrim Hall Museum have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 16 cultural items 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 and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of an Native American individual. Officials of Pilgrim Hall Museum have also determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between these items and the Wampanoag Repatriation Confederation on behalf of the Wampanoag Tribe of Gay Head (Aquinnah).

This notice has been sent to officials of the Wampanoag Repatriation Confederation on behalf of the Wampanoag Tribe of Gay Head (Aquinnah). Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Karin J. Goldstein Curator, Pilgrim Hall Museum, 75 Court Street, Plymouth, MA 02360; telephone (508) 746-1620, ext. 4 before September 3, 1998. Repatriation of these objects to the Wampanoag Repatriation

Confederation on behalf of the Wampanoag Tribe of Gay Head (Aquinnah) may begin after that date if no additional claimants come forward.

Dated: July 29, 1998.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 98-20713 Filed 8-3-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on July 23, 1998 seven proposed consent decrees in *United States, et al. v. Colorado Organic Chemical Company, Inc. et al.*, Civil Action No. 98-D-1600, were lodged with the United States District Court for the District of Colorado.

In this action, the United States and the State of Colorado sought recovery of approximately \$21 million in response costs incurred in relation to the Sand Creek Industrial Site located in Commerce City, Colorado under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act. The seven proposed consent decrees provide for an immediate recovery of \$1,796,425.00 for the EPA Hazardous Substance Superfund and \$80,500.00 for the State of Colorado. Two proposed consent decrees provide for further reimbursement resulting from the sale of real property and potential insurance coverage. The settling defendants include: Colorado Organic Chemical Company, Inc.; Phillip C. Mozer; Chem-Real Investment Co.; Ronald L. Seigneur, as current trustee for the Phillip C. Mozer Trust; Gasamat Oil Corporation of Colorado; Asamera Oil (U.S.), Inc.; Burlington Northern and Santa Fe Railway Company f/k/a Burlington Northern Railroad Company; BFI Waste Systems of North America, Inc. f/k/a Browning Ferris Industries of Colorado, Inc.; Robert S. Calvert; Shell Oil Company f/k/a Shell Chemical Corporation; and L-C Corporation.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States, et al. v. Colorado*

Organic Chemical Company, Inc. et al., D.J. Ref. 90-11-3-1697.

The proposed consent decrees may be examined at the Office of the United States Attorney, 1961 Stout Street, 11th Floor, Drawer 3608, Denver, CO 80294; at U.S. EPA Region VIII, 999 18th Street, Denver, Colorado 80202; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$57.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-20683 Filed 8-3-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on July 23, 1998, a proposed Consent Decree in *United States v. Day & Zimmermann Hawthorne Corporation and Wesley Corporation*, Civil Action No. 98419 DWH RAM, was lodged with the United States District Court for the District of Nevada.

In this action, the United States sought recovery of civil penalties and injunctive relief in connection with alleged violations of the National Emissions Standards for Hazardous Air Pollutants for asbestos ("asbestos NESHAP") during the demolition of houses in the Babbitt Housing Area at Hawthorne Army Ammunition Plant in Hawthorne, Nevada, during May and June, 1993. The Consent Decree recovers a civil penalty of \$120,000 for violations resulting from failure by defendants to give required notice of the demolition to EPA, failure to remove category II regulated asbestos containing material ("RACM") prior to beginning the demolition, failure to keep such material wet until removed from the demolition site and failure to dispose of the RACM at a proper disposal site on a total of 26 days. The Consent Decree includes injunctive relief requirements to prevent future violations of the Act and the asbestos NESHAP.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Day & Zimmermann Hawthorne Corporation and Wesley Corporation*, D.J. Ref. 90-5-2-1-2013.

The Consent Decree may be examined at the Office of the United States Attorney, 100 West Liberty Street, Suite 600, Reno, Nevada, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$4.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 98-20682 Filed 8-3-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Stipulation and Settlement Agreement in *United States v. New York City School Construction Authority, et al.*, No. 98 Civ. 5095, was lodged on July 21, 1998 in the United States District Court for the Southern District of New York.

The Stipulation and settlement Agreement resolves the United States' claims, pursuant to Section 112 of the Clean Air Act, 42 U.S.C. 7412, against eight (8) parties for civil penalties arising out of the removal of asbestos from certain public schools in New York City during 1993 and 1994. Under the Stipulation and Settlement Agreement, the United States will receive \$138,000 in civil penalties.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Stipulation and Settlement Agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. New York City School Construction Authority, et al.*, DOJ Ref. #90-5-2-1-1933.

The proposed Stipulation and Settlement Agreement may be examined

at the Office of the United States Attorney, 100 Church Street, New York, New York; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York; and at the Consent Decree Library, 1120 G Street N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Stipulation and Settlement Agreement may be obtained in person or by mail from the Consent Decree Library. In requesting a copy please refer to the referenced case and enclose a check made payable to the Consent Decree Library in the amount of \$4.75 (25 cents per page reproduction costs).

Bruce S. Gelber,

Deputy Section Chief, Environmental
Enforcement Section, Environment and
Natural Resources Division, U.S. Department
of Justice.

[FR Doc. 98-20681 Filed 8-3-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

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

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d), notice is hereby given that on July 2, 1998, the United States, on behalf of the United States Environmental Protection Agency, filed with the United States District Court for the Western District of Washington a civil complaint against defendants Charles and Helen Van Volkenburg and Pacific Yacht Basin d/b/a Port Yacht Basin, under Section 106 and 107 of the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9606 & 9607. The complaint alleges that the defendants are liable under Sections 106 and 107 of CERCLA for releases of hazardous substances into the Middle Waterway of the Commencement Bay Nearshore/Tideflats Superfund Site in Tacoma, Washington ("the Middle Waterway of the Site").

On the same day, the United States lodged a consent decree resolving the claims stated against the defendants in the complaint. The consent decree embodies a *de minimis* settlement with the defendants under Section 122(g) of CERCLA, 42 U.S.C. 9622(g). The United States has determined that the amount and toxicity of any hazardous substances the defendants may have contributed to the Middle Waterway of the Site is minimal in comparison to other contaminants in the Middle Waterway. Under the consent decree,