

**DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Intent to Repatriate Cultural Items in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA****AGENCY:** National Park Service, Interior.**ACTION:** Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA, that meet the definition of "unassociated funerary objects" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these cultural items. The National Park Service is not responsible for the determinations within this notice.

The cultural items are 1 stone fish effigy, 1 stone muller, 8 net spacer-like objects of stone, 6 ground stone fragments, 19 obsidian stone tools, 1 animal bone, 9 obsidian flakes, 5 obsidian scrapers, 15 obsidian pebbles, 15 glass beads, 3 large brass buttons, 2 brass rings, 2 rolled copper tube rings, 8 brass and copper pendants, 1 brass brooch, 7 fragments of sheet copper and brass, 1 iron hammer of a flintlock pistol (represented by 2 pieces), and 62 sheet copper beads.

In 1910, Grace A. Nicholson purchased the cultural items from an unknown excavator who recovered them on her behalf from an unknown locality in southern Oregon, approximately 18 miles from the Klamath Agency. In 1910, Ms. Nicholson sold the cultural items to Lewis Farlow, who donated them to the Peabody Museum of Archaeology and Ethnology the same year. Museum documentation indicates that these cultural items were associated with burials and were recovered from the place "where the dead doctors were burned."

Based on the types of artifacts recovered, these cultural items date to the historic period, most likely the 19th century. The nature of these cultural items and descriptions of their context in the museum sources are consistent with ethnographic descriptions of

Klamath burial practices in Klamath territory in Oregon during the 19th century. These practices include the use of cremation piles with the inclusion of objects such as glass beads, metal rings, and gun parts. Several known historic cremation piles approximately 18 miles from the Klamath Agency in Klamath territory have been identified subsequent to 1910. Consultation with representatives of the Klamath Indian Tribe of Oregon also supports the historic nature of this burial practice in Klamath territory.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 167 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 a Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between these cultural items and the Klamath Indian Tribe of Oregon.

This notice has been sent to officials of the Klamath Indian Tribe of Oregon. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these unassociated funerary objects should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before July 23, 2001. Repatriation of these unassociated funerary objects to the Klamath Indian Tribe, Oregon may begin after that date if no additional claimants come forward.

Dated: June 4, 2001.

**John Robbins,**

*Assistant Director, Cultural Resources Stewardship and Partnerships.*

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**BILLING CODE 4310-70-F**

**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, notice is hereby given that on June 6, 2001, a proposed

Consent Decree ("Decree") in *United States v. Central Illinois Public Service Company, et al.*, Civil Action No. 01-00586CV-W1 (W.D. Missouri) was lodged with the United States District Court for the Western District of Missouri.

The United States brought this action on behalf of the United States Environmental Protection Agency ("EPA") against Defendants Central Illinois Public Service Company, Central Louisiana Electric Company, Inc., Colorado Springs Department of Utilities, Commonwealth Edison Company, General Motors Corporation, Illinois Power Company, Interstate Power Company, Kansas Power & Light Company, Louisiana Power & Light Company/New Orleans Public Service, Inc., Midwest Energy Systems, Inc., Missouri Public Service Company, New England Power Service Company, Oklahoma Gas & Electric Company, Omaha Public Power District, Southwestern Electric Power Company, and West Texas Utilities Company ("Settling Defendants") pursuant to Sections 107 and 113(g)(2) of the Comprehensive Environmental Response, Compensation and Liability Act, *as amended*, 42 U.S.C. 9607 and 9613(g)(2), for declaratory relief and recovery of certain past response costs incurred by the United States in connection with the Martha C. Rose Chemicals, Inc. Superfund Site ("Site") located in Holden, Missouri. The Decree provides that the Settling Defendants will pay \$173,700.49 in satisfaction of the United States' claims against them.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the 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. Central Illinois Public Service Company, et al.*, Civil Action No. 01-00586CV-W1, D.J. Ref. No. 90-11-2-226C.

The Decree may be examined at the Office of the United States Attorney for the Western District of Missouri, Charles Evans Whittaker Courthouse, Fifth Floor, 400 East 9th Street, Kansas City, Missouri 64106, and at U.S. EPA Region VII, 901 N. 5th Street, Kansas City, Kansas 66101. A copy of the 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. In requesting a copy, please enclose a check in the amount of \$9.75 (25 cents per page reproduction

cost) payable to the Consent Decree Library.

**Robert E. Maher,**

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

[FR Doc. 01-15670 Filed 6-21-01; 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 June 4, 2001, a proposed Consent Decree ("Decree") in *United States v. IBM Corporation*, Civil No. 01-B-1017, was lodged with the United States District Court for the District of Colorado. The United States filed this action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act for recovery of costs incurred by the United States in responding to releases of hazardous substances at the Rocky Flats Industrial Park Superfund Site in Jefferson County, Colorado.

Pursuant to the proposed Consent Decree, IBM Corporation will pay \$460,000, in reimbursement of past costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the 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. IBM Corporation*, D.J. Ref. #90-11-3-1719/2.

The Decree may be examined at the office of the U.S. Attorney, 1225 17th Street, Denver, Colorado; at U.S. EPA Region 8, Office of Enforcement, 999 18th Street, Denver, CO. A copy of the Decree may be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of \$3.75 for the Decree (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Robert D. Brook,**

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

[FR Doc. 01-15668 Filed 6-21-01; 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

Pursuant to section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9607, and 28 CFR 50.7, notice is hereby given that a proposed consent decree embodying a settlement in *United States v. J.H. Baxter and Co., et al.*, No. C01-2024-SC was lodged on May 30, 2001, with the United States District Court for the Northern District of California.

In a complaint filed concurrently with the lodging of the consent decree, the United States, on behalf of the Administrator of the United States Environmental Protection Agency ("EPA") and pursuant to section 107 of CERCLA, 42 U.S.C. 9607, seeks reimbursement of response costs incurred and a declaratory judgment on defendant's liability for response costs to be incurred for response actions taken at or in connection with the release of hazardous substances at the J.H. Baxter Superfund Site in the City of Weed, Siskiyou County, California.

The consent decree requires the settling defendants to pay the J.H. Baxter Special Account within the EPA Hazardous Substance Superfund, \$1,310,300 in past response costs and to pay response costs incurred in the future. The consent decree also provides that the Superfund Site shall not be used for residential purposes and imposes other property restrictions.

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 for the Environment and Natural Resources Division, U.S. Department of Justice, Box 7611 Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. J.H. Baxter and Co. et al.*, DOJ Ref. #90-11-3-06786.

The proposed consent decree may be examined at the EPA Region 9 Superfund Records Center, 75 Hawthorne Street, Fourth Floor, San Francisco, California 94105, and at the Office of the United States Attorney for the Northern District of California, 450 Golden Gate Avenue, 11th Floor, San Francisco, California 94102. A copy of the proposed consent decree may also be obtained by mail from the Department of Justice Consent Decree Library, Box 7611, Ben Franklin Station,

Washington, DC 20044-7611. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$11.75 (25 cents per page reproduction costs), payable to the Consent Decree Library. A copy of the decree, exclusive of the defendants' signature pages and the attachments, may be obtained for \$6.00.

**Ellen Mahan,**

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

[FR Doc. 01-15669 Filed 6-21-01; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act ("CWA")

In accordance with Departmental policy at 28 CFR 50.7, notice is hereby given that on June 7, 2001, a proposed consent decree in *United States v. Wal-Mart Stores, Inc., et al.*, Civil Action No. 01-5115, was lodged with the United States District Court for the Western District of Arkansas, Fayetteville Division. The proposed Consent Decree resolves the liability of Wal-Mart and ten of its general contractors, Western Builders, Inc., Rogers-O'Brien Construction Co., D/B Constructors, Inc., Jaynes Corporation, Gerald A. Martin, Ltd., W.S. Bowlware Construction, Inc., Vratisnas Construction Co., Construction Supervisors, Inc., Dalmac Construction, Inc., and Williams Development & Construction, Inc., under Sections 301 and 402 of the CWA at the following 17 construction sites located in Texas, New Mexico, Oklahoma and Massachusetts: Wal-Mart Supercenter #868, Center St. & U.S. 62-180 (Eddy County), Carlsbad, New Mexico; Wal-Mart Supercenter #284, 930 Walnut Creek Dr., Mansfield, Texas; Wal-Mart Supercenter 851; 1700 U.S. Hwy 70 West, Ruidoso, New Mexico; Wal-Mart Store #240, Hwy 50 at Loop 178, Commerce, Texas; Wal-Mart Supercenter #259, I-30 at Greencrest Blvd., Rockwall, Texas; Wal-Mart Store #2667, 7401 Sammuell Blvd., Dallas, Texas; Wal-Mart Store #277, Moore, Oklahoma; Wal-Mart Store #1216, E. Trinity Mills Road and Old Denton, Carrollton, Texas; Wal-Mart Supercenter #1347, 2500 Hwy 180 East, Silver City, New Mexico; Wal-Mart Supercenter #1397, 10224 Coors Bypass, Albuquerque, New Mexico; Wal-Mart Store #2427, 13739 N. Central Expressway at Midpark Dr., Dallas, Texas; Wal-Mart Store #789, 200 E. Hwy. 80, Mesquite, Texas; Wal-Mart