

identified. No associated funerary objects are present.

In 1965, human remains representing five individuals were excavated from Pot Creek Pueblo site during Southern Methodist University field school. No known individuals were identified. No associated funerary objects were present.

In 1967, human remains representing three individuals were excavated at Pot Creek Pueblo during Southern Methodist field school excavations. No known individuals were identified. No associated funerary objects are present.

In 1967, human remains representing one individual were excavated from site TA-26 by Stephanie Holschlag. No known individual was identified. No associated funerary objects are present. Site TA-26 has been identified as a small unit pueblo occupied between 1200-1300 AD based on ceramics and cultural material recovered during excavations of this site.

In 1968, human remains representing two individuals were recovered from the Sagebrush Pueblo site (TA-500) by Dr. James Sciscenti. No known individuals were identified. No associated funerary objects were present. The Sagebrush Pueblo site (TA-500) has been identified as a small unit pueblo occupied between 1150-1225 AD based on ceramics and cultural material recovered during excavations of this site.

During 1969-1976, human remains representing 60 individuals were recovered at Pot Creek Pueblo (TA-1, LA 260) during archeological field schools conducted by Southern Methodist University. No known individuals were identified. No associated funerary objects are present.

During 1979-1982, human remains representing fourteen individuals were recovered during excavations of the Cerrita pithouse site on the Fort Burgwin campus conducted by Dr. Anne Woosley. No known individuals were identified. No associated funerary objects are present. Based on cultural materials and construction, this pithouse site was probably occupied during 1100-1200 AD.

During 1981-1984, human remains representing 21 individuals were recovered during field school excavations at the Pot Creek Pueblo (TA-1, LA 260) conducted by Dr. Anne Woosley and Dr. David Meltzer of Southern Methodist University. No known individuals were identified. No associated funerary objects are present.

At unknown dates, human remains representing eight individuals were removed from precontact sites in the Taos area by Ms. Helen Blumenschein

and donated to the Fort Burgwin Research Center sometime after 1970. No known individuals were identified. No associated funerary objects are present. Although these individuals have poor provenience information due to the lack of field records from the archeological work, the appearance and apparent age of the human remains is similar to documented precontact human remains in the Taos area.

At an unknown date, human remains representing three individuals were excavated under unknown circumstances from site TA-18, a pithouse village located in the Taos area. No known individuals were identified. No associated funerary objects are present. TA-18 has been identified as a pithouse village site occupied between 1100-1200 A.D. based on cultural material.

Since the 1960s, human remains representing one individual were part of the collections at the Fort Burgwin Research Center. No known individual was identified. No associated funerary objects are present. Although unproven, this individual is known to have been recovered during excavations in the Pot Creek area, and shows similar characteristics to other human remains recovered in the Pot Creek area. There are no indications that this individual could have been recovered from any other sites.

The human remains listed above are all from sites within the Fort Burgwin campus or surrounding area. All were recovered prior to the establishment of Carson National Forest. Based on oral traditions, continuities of material culture, religious and cultural ties, and anthropological and ethnographic documentation, Northern Tiwa-speaking peoples, represented by the present-day Pueblo of Taos and Pueblo of Picuris, have occupied this area since approximately 1100 A.D.

At some time between 1961-1965, human remains representing one individual was removed from Picuris Pueblo during excavations conducted by Dr. Herbert Dick. No known individual was identified. No associated funerary objects are present.

Picuris Pueblo is a continuously occupied village site dating from 1100 AD until the present day. Continuities of technology and material culture indicate this site has been occupied by Northern Tiwa people for this time period.

Based on the above mentioned information, officials of Southern Methodist University have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of at least 195

individuals of Native American ancestry. Officials of Southern Methodist University have 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 Native American human remains and the Pueblo of Picuris and the Pueblo of Taos.

This notice has been sent to officials of the Pueblo of Picuris and the Pueblo of Taos. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Dr. Michael A. Adler, Department of Anthropology, Southern Methodist University, Dallas, TX 75275; telephone: (214) 768-2940, before September 29, 1997. Repatriation of the human remains to the Pueblo of Picuris and the Pueblo of Taos may begin after that date if no additional claimants come forward.

Dated: August 25, 1997.

Francis P. McManamon,

*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

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BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Zion National Park, Utah; Proposed Exchange of Federally-Owned Land for Privately-Owned Land, Both Within Washington County, Utah

AGENCY: National Park Service, DOI.

ACTION: Notice of realty action.

SUMMARY: Pursuant to the authority contained in the Act of November 12, 1996 (Pub. L. 104-333, 110 Stat. 4105), the Secretary of the Interior has been authorized to acquire certain lands by exchange, and is authorized, upon completion of said exchange, to revise the boundaries of Zion National Park accordingly.

DATES: The effective date for this notice is August 29, 1997.

FOR FURTHER INFORMATION CONTACT: Realty Officer, Land Resources Program Center, Intermountain Region, P.O. Box 25287, Denver Colorado 80225-0287, (303) 969-2611.

SUPPLEMENTARY INFORMATION: The above-cited Act authorizes the Secretary of the Interior to exchange certain privately-owned lands adjacent to Zion National Park for Federally-owned lands within the park boundary. The lands to be exchanged are of approximately equal size. Upon completion of this exchange, the boundaries of Zion

National Park will be revised to add the parcel now adjacent to the park and to exclude the parcel now inside the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto. The lands to be exchanged are generally described as follows:

Federally-owned parcel.

A parcel of land in Lot 2, Section 5, Township 41 South, Range 11 West, Salt Lake Base and Meridian, containing 5.33 acres, more or less.

Privately-owned parcel.

A parcel of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian containing 5.40 acres more or less.

The value of the properties exchanged shall be determined by a current fair market value appraisal and if they are not approximately equal, the values shall be equalized by payment of cash as circumstances require.

For a period of 45 calendar days from the date of this notice, interested parties may submit comments to the above address. Adverse comments will be evaluated and this action may be modified or vacated accordingly. In the absence of any action to modify or vacate, this realty action will become the final determination of the Department of Interior.

Dated: August 7, 1997.

Michael D. Snyder,

Acting Director, Intermountain Region.

[FR Doc. 97-23085 Filed 8-28-97; 8:45 am]

BILLING CODE 4310-70-U

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Partial Consent Decree in *United States v. Consolidated Rail Corp.*, Civil Action No. 94-1437 (E.D.Pa.), was lodged on August 21, 1997, with the United States District Court for the Eastern District of Pennsylvania. The decree addresses Conrail's violations of Section 112 of the Clean Air Act (the "Act"), 42 U.S.C. 7412, and the National Emission Standards for Hazardous Air Pollutants for asbestos ("Asbestos NESHAP") which occurred in 1993 at its Port Richmond Grain Elevator facility located at 2870 E. Allegheny Avenue, Philadelphia, PA. Conrail's violations included failure to notify the City of Philadelphia or EPA of asbestos removal activities involved in the renovation,

failure to wet adequately the asbestos that was being removed from the facility, and failure to assure that no visible emissions were released into the outdoor atmosphere.

Under the proposed Partial Consent Decree, Conrail has agreed to pay a civil penalty of \$389,100 to resolve its liability in the instant District Court action as well as its liabilities in an unrelated administrative asbestos NESHAP action involving another Conrail facility in Philadelphia. Conrail has agreed, in addition, to perform Supplemental Environmental Projects ("SEPs") valued at \$410,900. The SEPs are referred to in Section VII of the new Decree and described in detail in the Settlement Conditions Document attached to the Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed 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. Consolidated Rail Corp.*, DOJ Ref. #90-5-2-1-1883.

The proposed Agreement may be examined at the Office of the United States Attorney, 615 Chestnut Street, Suite 1300, Philadelphia, PA 19106; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed Agreement 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 refer to the referenced case and enclose a check in the amount of \$15.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Walker B. Smith,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 97-23115 Filed 8-28-97; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response Compensation and Liability Act

Notice is hereby given that on August 18, 1997, a proposed Settlement Agreement for an adversary complaint

filed by the United States and the State of Michigan in *In Re Richard Thomas*, Civil Action No. 395-38143-RCM-7, was lodged with the United States District Bankruptcy Court for the Northern District of Texas.

In their adversary complaint, the United States and the State of Michigan sought a declaration that Thomas was not entitled to a homestead exemption for a condominium owned by him in Dallas, Texas, and sought imposition of an equitable lien on this property. The basis of the claims of the United States and Michigan was that Thomas had allegedly purchased the property with funds transferred from companies owned by Thomas in an effort to protect his assets from the claims of the United States and Michigan brought under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 *et seq.* The CERCLA suit giving rise to the Governments' claims was brought in the Federal District Court for the Western District of Michigan, *Kelley v. Thomas Solvent Co.*, Civil Action Nos. K86-167 CA8 & K86-164 CA8, and concerned contamination of the Verona Well Field located near Battle Creek, Michigan.

Pursuant to the settlement between the Governments and Thomas, Thomas will pay \$160,000 to the United States and \$45,000 to the State of Michigan upon the sale of the condominium or within two years of the entry of the Settlement Agreement, whichever comes first. In return, the Governments will release their claims against the property owned by Thomas. Furthermore, the Governments agree that Thomas is no longer subject to the personal judgments entered against him through an earlier settlement between Thomas and the Governments.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. 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 *In re Richard Thomas*, No. 395-38143-RCM-7, D.J. Ref. 90-11-2-140A.

The Settlement Agreement may be examined at the Office of the United States Attorney, 1100 Commerce Street, Suite 300, Dallas, Texas 75242, at U.S. EPA Region V, Office of Regional Counsel, 200 West Adams Street, Chicago, Illinois 60606, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the Settlement Agreement may be obtained in person or by mail from the Consent