

DEPARTMENT OF THE INTERIOR

National Park Service

Revision—Notice of Inventory Completion for Native American Human Remains, Associated Funerary Objects, and Unassociated Funerary Objects in the Control of the United States Marine Corps, Department of the Navy, Honolulu, HI; and in the Possession of the Bernice Pauahi Bishop Museum, Honolulu, HI

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains, associated funerary objects, and unassociated funerary objects in the control of the United States Marine Corps, Department of the Navy, Honolulu, HI; and in the possession of the Bernice Pauahi Bishop Museum, Honolulu, HI. **This notice modifies the culturally affiliated Native Hawaiian organizations in the Notice of Inventory Completion published April 22, 1998.**

A detailed assessment of the human remains was made by United States Marine Corps and Bishop Museum professional staff in consultation with representatives of Hui Malama I Na Kupuna O Hawai'i Nei and the Office of Hawaiian Affairs.

Based on skeletal and cranial morphology, dentition, style and type of associated funerary objects, manner of interments, and recovery locations, the human remains listed above have been determined to be Native Hawaiian. In consultation with Native Hawaiian organizations, the U.S. Marine Corps and the Bishop Museum decided that no attempt would be made to determine the age of the human remains. The various ohana, or families, listed below are Native Hawaiian organizations under 43 CFR 10.2 (b)(3)(i).

Based on the above mentioned information, officials of the U.S. Marine Corps and the Bishop Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains referred to above represent the physical remains of a minimum of 1,582 individuals of Native American ancestry. Officials of the U.S. Marine Corps and the Bishop Museum have also determined that, pursuant to 43 CFR 10.2 (d)(2), the 251 objects referred to 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. Officials of the U.S.

Marine Corps and the Bishop Museum have further determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), these 30 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. Lastly, officials of the U.S. Marine Corps and the Bishop Museum 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, associated funerary objects, and unassociated funerary objects and **Sam Monet/Fannie L. Moniz Ohana, Nalani Olds Ohana, Terrilee Napua Keko'olani-Raymond Ohana, Carlos Manuel Ohana, Eric Po'ohina on his behalf and on behalf of Huna Research Institute, the Princess Nahoa Olelo o Kamehameha Society, Ka Ohana O Na Iwi o Mokapu representing Gladys Pualoa and Ipolani Tano; Auld/Shaw Ohana; Victor Keli'imaika'i Boyd Ohana; VanHorn Diamond Ohana; Kekumano Ohana; Hui Malama I Na Kupuna O Hawai'i Nei; Ka Lahui Hawaii; Ko'olauloa Hawaiian Civic Club; O'ahu Island Burial Council; the Office of Hawaiian Affairs; Delilah Ortiz Ohana; Ella Paguyo Ohana; Paoa/Kea/Lono Ohana; Herbert Pratt Ohana; and the Prince Kuhio Hawaiian Civic Club.**

This notice has been sent to **Sam Monet/Fannie L. Moniz Ohana, Nalani Olds Ohana, Terrilee Napua Keko'olani-Raymond Ohana, Carlos Manuel Ohana, Eric Po'ohina on his behalf and on behalf of Huna Research Institute, the Princess Nahoa Olelo o Kamehameha Society, Ka Ohana O Na Iwi o Mokapu representing Gladys Pualoa and Ipolani Tano; Auld/Shaw Ohana; Victor Keli'imaika'i Boyd Ohana; VanHorn Diamond Ohana; Kekumano Ohana; Hui Malama I Na Kupuna O Hawai'i Nei; Ka Lahui Hawaii; Ko'olauloa Hawaiian Civic Club; O'ahu Island Burial Council; the Office of Hawaiian Affairs; Delilah Ortiz Ohana; Ella Paguyo Ohana; Paoa/Kea/Lono Ohana; Herbert Pratt Ohana; and the Prince Kuhio Hawaiian Civic Club.** Questions regarding this notice should be directed to Ms. June Cleghorn, Staff Archeologist, Marine Corps Base Hawaii, Kaneohe Bay, HI 96863-3002; telephone: (808) 257-6920, ext. 230. Repatriation of the human remains and associated funerary objects to **Sam Monet/Fannie L. Moniz Ohana, Nalani Olds Ohana, Terrilee Napua**

Keko'olani-Raymond Ohana, Carlos Manuel Ohana, Eric Po'ohina on his behalf and on behalf of Huna Research Institute, the Princess Nahoa Olelo o Kamehameha Society, Ka Ohana O Na Iwi o Mokapu representing Gladys Pualoa and Ipolani Tano; Auld/Shaw Ohana; Victor Keli'imaika'i Boyd Ohana; VanHorn Diamond Ohana; Kekumano Ohana; Hui Malama I Na Kupuna O Hawai'i Nei; Ka Lahui Hawaii; Ko'olauloa Hawaiian Civic Club; O'ahu Island Burial Council; the Office of Hawaiian Affairs; Delilah Ortiz Ohana; Ella Paguyo Ohana; Paoa/Kea/Lono Ohana; Herbert Pratt Ohana; and the Prince Kuhio Hawaiian Civic Club may begin after September 30, 1998, and at such time as the requesting parties agree upon their disposition or the dispute is otherwise resolved pursuant to the provisions of NAGPRA or by a court of competent jurisdiction [25 U.S.C. 3005 (e)].

Dated: August 25, 1998.

Veletta Canouts,*Acting Departmental Consulting Archeologist,**Deputy Manager, Archeology and Ethnography Program.*

[FR Doc. 98-23296 Filed 8-28-98; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree

Under 28 CFR 50.7, notice is hereby given that on August 24, 1998, a proposed Consent Decree in *United States v. Zeneca Inc.*, Civ. No. 1-98-0096, was lodged with the United States District Court for the Middle District of Tennessee.

In this action against Zeneca, Inc., ("Zeneca") the United States sought to recover civil penalties and enjoin violations of the Safe Drinking Water Act, 42 U.S.C. 300f, *et seq.*, and the implementing Underground Injection Control regulations, 40 CFR 144.28, the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*, the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Clean Air Act, 42 U.S.C. 7413. The United States also sought relief under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9606. Zeneca operates a chemical manufacturing facility in Mount Pleasant, Tennessee.

This settlement resolves civil claims pending against Zeneca at its Mount Pleasant facility. The proposed Decree provides that Zeneca will pay a civil penalty of \$3.5 million, and undertake two pollution prevention Supplemental Environmental Projects ("SEPs") at a

cost of \$2.5 million. Under the Decree, up to \$500,000 of the penalty can be mitigated through SEPs. The proposed Decree provides for cessation of underground injection by May 1999, interim reductions in the underground injection of contaminants, and extensive RCRA corrective action at nine hazardous waste disposal sites.

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. Zeneca, Inc.*, D.J. Ref. 90-7-1-849.

The consent decree may be examined at the Office of the United States Attorney, 110 Ninth Avenue South, Nashville, TN 37203-3870, at U.S. EPA Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303, and at the Consent Decree Library, 1120 G Street, NW, 3rd 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, 3rd Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$21.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Joel Gross,

*Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.*
[FR Doc. 98-23334 Filed 8-28-98; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 98-41; Exemption Application No. D-10372, et al.]

Grant of Individual Exemptions; Lehman Brothers Inc. (Lehman) and Lehman Brothers Trust Company and Affiliates (LBTC), et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Lehman Brothers Inc. (Lehman) and Lehman Brothers Trust Company and Affiliates (LBTC), Located in New York, New York

[Prohibited Transaction Exemption 98-41; Exemption Application No. D-10372]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) the lending of securities to Lehman or to any other U.S. registered broker-dealer

who is an affiliate of Lehman (collectively, Lehman Broker-Dealers) by employee benefit plans, including commingled investment funds holding plan assets (the Client Plans), with respect to which the Lehman Broker-Dealer is a party in interest, or for which LBTC or any other affiliate of Lehman, acts as directed trustee or custodian and/or securities lending agent (or sub-agent) for such Client Plan; and (2) the receipt of compensation by LBTC in connection with these transactions, provided that the following conditions are met:

1. Neither the Lehman Broker-Dealers nor LBTC has or exercises discretionary authority or control with respect to the investment of the assets of Client Plans involved in the transaction (other than with respect to the investment of cash collateral after the securities have been loaned and collateral received), or renders investment advice (within the meaning of 29 CFR 2510.3-21(c)) with respect to those assets, including decisions concerning a Client Plan's acquisition or disposition of securities available for loan;

2. Before a Client Plan participates in a securities lending program and before any loan of securities to the Lehman Broker-Dealers is affected, a Client Plan fiduciary who is independent of LBTC and the Lehman Broker-Dealers must have:

(a) Authorized and approved a securities lending authorization agreement with LBTC (the Agency Agreement), where LBTC is acting as the direct securities lending agent;

(b) Authorized and approved the primary securities lending authorization agreement (the Primary Lending Agreement) with the primary lending agent, where LBTC is lending securities under a sub-agency arrangement with the primary lending agent;¹

(c) Approved the general terms of the securities loan agreement (the Basic Loan Agreement) between such Client Plan and the borrower, the Lehman Broker-Dealers, the specific terms of which are negotiated and entered into by LBTC;

3. A Client Plan may terminate the securities lending agency agreement at any time without penalty on five (5) business days notice, whereupon the Lehman Broker-Dealers shall deliver

¹ When LBTC acts as sub-agent, rather than the primary lending agent, the primary lending agent is receiving no section 406(b) of the Act relief herein. In such situations, the primary lending agent may be provided relief by Prohibited Transaction Class Exemption (PTE) 81-6 and PTE 82-63. PTE 81-6 was published at 46 FR 7527, January 23, 1981, as amended at 52 FR 18754, May 19, 1987, and PTE 82-63 was published at 47 FR 14804, April 6, 1982.