

Tribe, Cheyenne-Arapaho Tribes, Chickasaw Nation, Choctaw Nation, Comanche Indian Tribe, Fort McDowell Mohave-Apache Indian Community, Fort Sill Apache Business Committee, Jicarilla Apache Tribe, Kickapoo Indian Tribe, Kiowa Tribe, Mescalero Apache Tribe, Navajo Nation, Pawnee Indian Tribe, San Carlos Apache Tribe, Southern Ute Indian Tribe, White Mountain Apache Tribe, Wichita and Affiliated Tribes, and the Yavapai-Apache Indian Nation. In addition, a representative of the American Indians in Texas at the Spanish Colonial Missions, a non-federally recognized group, attended consultation meetings. The Kickapoo Traditional Tribe, the Ute Mountain Tribe, and the Ysleta del Sur Pueblo were invited to consultation but did not attend.

In 1964, human remains representing two individuals were discovered under a room floor during an authorized archeological excavation at the fort. No known individuals were identified. No associated funerary objects are present. Non-destructive analysis identified the two individuals as Native American females. The initial archeological report dated both burials to pre-1833. However, recent review of the evidence dates them more likely to between 1849 and 1881.

Historic evidence indicates that the remains date to the time when the site was part of the Cheyenne and Arapaho Reservation, ca. 1860. Surrounding land had been used by the Cheyenne, Arapaho, Kiowa, Comanche, and Ute for hunting and trading since the 1820's or earlier. Oral traditions, especially of the Cheyenne, Arapaho, Kiowa, and Comanche, mention the area surrounding Bent's Old Fort as their homeland during part of their historic migrations. Southern Ute representatives identify the Bent's Old Fort area as a point along a migratory route used by the Ute tribes prior to the 1900s.

Based on the above mentioned information, officials of the National Park Service have determined that pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. Officials of the National Park Service 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 Native American human remains and the Cheyenne-Arapaho Tribes, Comanche Indian Tribe, Kiowa Indian Tribe, Southern Ute Indian Tribe, and Ute Mountain Tribe.

This notice has been sent to officials of the Cheyenne-Arapaho Tribes, Comanche Indian Tribes, Kiowa Indian Tribe, Southern Ute Indian Tribe, and Ute Mountain Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Mr. Donald Hill, Superintendent, Bent's Old Fort National Historic Site, 35110 Highway 194 East, La Junta, CO, 81050-9523, telephone (719) 384-2596, before October 16, 1996. Repatriation of the human remains to the Cheyenne-Arapaho Tribes, Comanche Indian Tribe, Kiowa Indian Tribe, Southern Ute Indian Tribe, and Ute Mountain Tribe will begin after that date if no additional claimants come forward.

Dated: September 10, 1996.

Francis P. McManamon,

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

[FR Doc. 96-23587 Filed 9-13-96; 8:45 am]

BILLING CODE 4310-70-F

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States of America v. Frederick T. Cline et al.*, No. C 96-0760 EFL (N.D. Cal.), was lodged with the United States District Court for the Northern District of California on September 5, 1996. The proposed decree concerns alleged violations of sections 301(a) and 404 of the Clean Water Act, 33 U.S.C. 1311(a) and 1344, and section 10 of the Rivers and Harbors Act of 1899, 33 U.S.C. 403, as a result of the discharge of dredged and fill materials into wetlands located in Sonoma County, California by Frederic Cline and Cline Cellars, Inc. ("Cline").

The Consent Decree provides for restoration of the wetlands in accord with a restoration plan approved by the United States Army Corps of Engineers and payment of a \$20,000.00 civil penalty to the United States.

The Department of Justice will receive written comments relating to the consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: Sylvia Quast, Trial Attorney, Environmental Defense Section, P.O. Box 23986, Washington, DC 20026-3986, and should refer to

*United States of America v. Frederick T. Cline et al.*, DJ Reference No. 90-5-1-6-623.

The proposed consent decree may be examined at the Offices of the United States Attorney for the Northern District of California, 450 Golden Gate Avenue, Tenth Floor, San Francisco, California 94102; and the office of District Counsel, United States Army Corps of Engineers, San Francisco District, 333 Market Street, Suite 804, San Francisco, California, 94105, (415) 977-8644.

Letitia J. Grishaw,

*Chief, Environmental Defense Section,  
Environment and Natural Resources Division,  
United States Department of Justice.*

[FR Doc. 96-23571 Filed 9-13-96; 8:45 am]

BILLING CODE 4410-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (96-113)]

### NASA Advisory Council, Aeronautics Advisory Committee, Subcommittee on Human Factors; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aeronautics Advisory Committee, Subcommittee on Human Factors meeting.

**DATES:** November 20, 1996, 8:30 a.m. to 5:00 p.m.; and November 21, 1996, 8:30 a.m. to 3:00 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, Langley Research Center, Building 1268, Room 2120, Hampton, VA 23681-0001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gregory W. Condon, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 415/604-5567.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

- NASA Aeronautics Update
- NASA Human Factors Update
- Trilateral Committee Human Factors Program Coordination
- FAA Human Factors Coordination
- Human Factors Research
- Airframe Systems Applications
- Airspace Operations Systems Applications

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: September 9, 1996.

Leslie M. Nolan,

*Advisory Committee Management Officer.*

[FR Doc. 96-23554 Filed 9-13-96; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Nixon Presidential Historical Materials: Opening of Materials

**AGENCY:** National Archives and Records Administration.

**ACTION:** Notice of opening of materials.

**SUMMARY:** This notice announces the opening of certain Nixon Presidential historical materials from the White House Special Files that are commonly referred to as Nixon contested materials. Notice is hereby given that, in accordance with section 104 of the Presidential Recordings and Materials Preservation Act ("PRMPA", 44 U.S.C. 2111 note) and § 1275.46(i) of the PRMPA Regulations implementing the Act (36 CFR part 1275), the National Archives and Records Administration (NARA) has completed its review, and proposes for public opening, certain materials whose public release was previously objected to by former President Nixon in 1987 in accordance with 36 CFR 1275.44.

**DATES:** NARA intends to make the materials from a file segment described in this notice available to the public beginning October 17, 1996. Because these are the final decisions of the Presidential Materials Review Board, in accordance with the PRMPA's Public Access Regulations, 36 CFR 1275.46 (i)(3), further petitions asserting a constitutional right or privilege which would prevent or limit access cannot be submitted.

**ADDRESSES:** The materials will be made available to the public at NARA's facility located at 8601 Adelphi Road, College Park, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Karl Weissenbach, Acting Director, Nixon Presidential Materials Staff, 301-713-6950.

**SUPPLEMENTARY INFORMATION:** As required by PRMPA and its public access regulations, NARA published a Federal Register notice on January 30, 1987, announcing the public opening of approximately 628.3 cubic feet of the integral file segment identified as the

White House Special Files. Under the PRMPA's public access regulations, former President Richard M. Nixon raised objections, some of which were joined in by other individuals, to the public release of approximately 42,000 documents consisting of about 150,000 pages. In response to President Nixon's objection to the public release of these documents, NARA's Presidential Materials Review Board, as required by PRMPA's public access regulations, was tasked with the responsibility of deciding on the former President's objections. The Presidential Materials Review Board completed its decisionmaking on the contested materials, which culminated with this announcement of NARA's intent to open certain of the documents for public research, to sustain certain of the objections and return those documents as private or personal and to retain but restrict access to other documents. Details of the Board's decisions will be available at the opening.

The materials from the White House Special Files that can be opened are to be released on October 17, 1996. The White House Special Files were segregated from the White House Central Files by the Nixon Administration in 1972 due to their uniqueness and/or sensitivity. The contested documents that NARA plans to release are primarily from the Staff Member and Office Files and selected Subject Files of the White House Central Files.

Dated: September 11, 1996.

John W. Carlin,

*Archivist of the United States.*

[FR Doc. 96-23647 Filed 9-13-96; 8:45 am]

BILLING CODE 7515-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-37659; File No. SR-CBOE-96-40]

### Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Board Options Exchange, Inc., to Change the Method for Determining the Exercise Settlement Value of Nasdaq-100 Options

September 6, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 28,

1996, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Exchange subsequently filed Amendment No. 1 to the proposed rule change on September 5, 1996.<sup>3</sup> The CBOE has requested accelerated approval for the proposal, as amended. This order approves the CBOE's proposal, as amended, on an accelerated basis and solicits comments from interested persons.

#### I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Change

CBOE is proposing to modify its rule concerning the method for determining the settlement value of Nasdaq-100 options ("NDX").<sup>4</sup> In this manner, the CBOE will clarify that the NDX's settlement value is determined using the volume-weighted averaging methodology developed by the Nasdaq Stock Market, Inc., as modified by the Nasdaq from time to time.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has

<sup>3</sup> See letter from Timothy Thompson, CBOE, to Matthew Morris, Office of Market Supervision, Division of Market Regulation, Commission, dated September 5, 1996 ("Amendment No. 1"). In Amendment No. 1, the CBOE amended its proposal in two respects. First, the Exchange will issue a regulatory circular to its membership in the event that the Nasdaq makes a substantive change to the method for determining the settlement value of the Nasdaq-100. The Exchange will endeavor to issue a regulatory circular at least seven days in advance of the effectiveness of the change or as soon as practicable after it learns of the change. Second, if the Nasdaq makes a change in the settlement methodology, the Exchange will consult with the Commission to determine whether such a revision is a material change from the current methodology to warrant a rule filing pursuant to Sections 19(b)(2) or 19(b)(3) of the Act. Because the Exchange does not control the decision to change the settlement methodology, however, it is possible that the Exchange may not be made aware of a change in the settlement methodology until after the Nasdaq has instituted such change. In this event, the Exchange will still consult with the Commission concerning the need for a possible rule filing.

<sup>4</sup> The NDX is a capitalization-weighted index composed of the stocks of 100 of the largest non-financial issuers whose securities are traded on Nasdaq.

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4.