

comments should be submitted by November 18, 1998.

**Paul R. Lusignan,**

*Acting Keeper of the National Register.*

## COLORADO

### Denver County

Kopper's Hotel and Saloon, 1215-1219 20th St., Denver, 98001378

## FLORIDA

### Volusia County

South Peninsula Historic District (Daytona Beach MPS), Roughly the Daytona Beach Peninsula between the Atlantic Ocean and Halifax R., Daytona Beach, 98001379

## LOUISIANA

### Beauregard Parish

First Street School, 500 W. First St., DeRidder, 98001380

## MASSACHUSETTS

### Barnstable County

Avant House, MA 130 at Mill Pond, Mashpee, 98001382  
Old Indian Meeting House, 410 Meetinghouse Rd., Mashpee, 98001383

### Suffolk County

Baker Congregational Church, 760 Saratoga St., Boston, 98001381

## NEW YORK

### Allegany County

Caneadea Bridge, Cty. Rd. over Genesee R., Caneadea, 98001388

### Broome County

Trinity Memorial Church (Historic Churches of the Episcopal Diocese of Central New York MPS), 44 Main St., Binghamton, 98001389

### Cattaraugus County

Conklin Mountain House, 304 E. State St., Olean, 98001386

### Chemung County

Emmanuel Episcopal Church, 380 Pennsylvania Ave., Elmira, 98001395  
Pentacostal Holy Temple Church of Jesus Christ, 351 Division St., Elmira, 98001387

### Niagara County

Oliver Thomas House, 175 Locust St., Lockport, 98001390

### Orange County

Village of Monroe Historic District, Roughly bounded by Lake St., Carpenter Place, Clark St., Monroe Race Track Site, Ramapo St., and Oakland Ave., Monroe, 98001391

### Otsego County

Roseboom Historic District, Roughly along NY 166, NY 165, Beaver, John Deer and Gage Rds., Roseboom, 98001394

### Sullivan County

Aquadas Achim Synagogue, Rock Ave., Livingston Manor, 98001404  
Mamakating Park Historic District, Roughly along Park Rd, Columbian Rd., and

Mamakating Ave., Wurtsboro vicinity, 98001393

## Ulster County

Olive and Hurley Old School Baptist Church, NY 28, jct. with NY 30, Shokan, 98001392

## NORTH CAROLINA

### Mitchell County

Dellinger Mill, S side of Cane Creek Rd., just W of jct. with NC 1239, Hawk vicinity, 98001385

## OHIO

### Lorain County

Oberlin Gas Lighting Company Gasholder House, 291 S. Main St., Oberlin, 98001397

### Lucas County

Woodlawn Cemetery, 1502 W. Central Ave., Toledo, 98001396

### Tuscarawas County

Slingluff, Dr. Joseph, House, 606 N. Wooster Ave., Dover, 98001384

## SOUTH DAKOTA

### Beadle County

Bowden, Faye, House—Agnus Saunders (Lustron Houses in South Dakota MPS), 669 Dakota Ave. N., Huron, 98001401  
Chicago and North Western Roundhouse (Historic Railroads of South Dakota MPS), N of First St., Huron, 98001411  
Maxon, Margaret and Vernon, House (Lustron Houses in South Dakota MPS), 1305 McDonald St., Huron, 98001409

### Butte County

Butte County Courthouse and Historic Jail Building (County Courthouses of South Dakota MPS), 839 5th Ave., Belle Fourche, 98001398

### Clay County

Sample—Lindblaum House (Lustron Houses in South Dakota MPS), 410 Idaho St., Wakonda, 98001405

### Davison County

Mitchell Lustron Historic District (Lustron Houses in South Dakota MPS), Roughly along Vincent Place, from Miller Ave. to Mitchell Blvd., Mitchell, 98001402

### Gregory County

Gregory County State Bank, Main St., jct with Randall St., Fairfax, 98001399

### Hughes County

Chicago and North Western Railroad Bridge (Historic Railroads of South Dakota MPS), N of US 14/83 over the Missouri R., Pierre vicinity, 98001412  
Hansen, Peter, House (Lustron Houses in South Dakota MPS), 1123 E. Capitol St., Pierre, 98001410

### Lawrence County

Lead Historic District (Boundary Increase), SW of the commercial district of Lead, Lead, 98001413

## Minnehaha County

Hayward, Orlan A., House (Lustron Houses in South Dakota MPS), 1509 S. Glendale, Sioux Falls, 98001406  
Reynolds, Grant J., House (Lustron Houses in South Dakota MPS), 800 S. Hawthorne St., Sioux Falls, 98001400

## Pennington County

Cassidy House (Lustron Houses in South Dakota MPS), 4121 Canyon Lake Rd., Rapid City, 98001407  
Nelson, Maurice, House (Lustron Houses in South Dakota MPS), 101 E. Quincy St., Rapid City, 98001403

## Spink County

Opitz, Edbert and Josie, House (Lustron Houses in South Dakota MPS), 204 E. 2nd St., Redfield, 98001408

## TEXAS

### Caldwell County

Lockhart Vocational High School (Rosenwald School Building Program in Texas MPS), 1104 E. Market St., Lockhart, 98001416

### Guadalupe County

Sweet Home Vocational and Agricultural High School (Rosenwald School Building Program in Texas MPS), 10 mi. S of Seguin on Sweet Home Rd., Seguin vicinity, 98001417

### Tarrant County

Montgomery Ward and Company Building, 801 Grove St., Fort Worth, 98001415

### Taylor County

Bankhead Highway Historic District, Approx. 4 mi. sections of US 80 contained within Taylor Cty., Abilene vicinity, 98001414

## WASHINGTON

### King County

Issaquah Sportsmen's Club, 23600 SE Evans St., Issaquah, 98001419

### Stevens County

Collins Building, S 202 Main, Colville, 98001418

A REQUEST for a REMOVAL has been made for the following resource:

## WASHINGTON

### Skagit County

Curtis Wharf, Jct. of O. Ave. and Second St., Anacortes, 87001941

[FR Doc. 98-29365 Filed 11-2-98; 8:45 am]

BILLING CODE 4310-70-P

## 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 a consent decree in *United States v. Air Products and Chemicals, Inc., et al.*, Civil Action No. 97-CV-

0674 (E.D. Pa), was lodged on October 23, 1998, with the United States District Court for the Eastern District of Pennsylvania. The consent decree resolves the claims of the United States under Sections 107(a) and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607(a) and 9613(g), for reimbursement of response costs incurred by the U.S. Environmental Protection Agency ("EPA") with respect to the Novak Sanitary Landfill Superfund Site in South Whitehall Township, Lehigh County, Pennsylvania. The consent decree also includes a covenant not to sue by the United States under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973. The consent decree obligates the Settling Defendants to pay a total of \$1,035,931.72 to settle this action. This amount constitutes 87 percent of EPA's outstanding past costs incurred through January 9, 1998. The Settling Defendants remain potentially liable for all response costs incurred after January 9, 1998. The Owner Settling Defendant also has agreed to provide access to both EPA and private parties that are performing cleanup pursuant to an EPA administrative order for remedial design/remedial action.

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, Washington, D.C. 20530, and should refer to *United States v. Air Products and Chemicals, Inc., et al.*, DOJ Ref. #90-11-2-976B. Commenters may request an opportunity for public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decree may be examined at the office of the United States Attorney, 616 Chestnut Street, Philadelphia, Pennsylvania 19106; the Region III Office of the Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, D.C. 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, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$38.25 (25 cent

per page reproduction cost), payable to the Consent Decree Library.

**Joel M. Gross,**

*Chief, Environmental Enforcement Section,  
Environment & Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Notice of Filing of Consent Decree Under the Clean Air Act

Under 28 C.F.R. 50.7, notice is hereby given that on October 22, 1998, a proposed Consent Decree (exception two appendices which will be the subject of a motion for leave to file under seal) in *United States v. Caterpillar, Inc.*, Civil Action No. 98-2544 (HHK), was filed with the United States District Court for the District of Columbia. At the same time, (1) Caterpillar, Inc. ("Caterpillar") and the California Air Resources Board ("CARB") have concluded a related settlement agreement that resolves California claims similar to the federal claims addressed by this proposed Consent Decree; and (2) the United States filed similar settlements with six other manufacturers of motor vehicle diesel engines, notice of which is also being published at this time.

The United States has asserted in a civil complaint against Caterpillar under the Clean Air Act, as amended 42 U.S.C. 7401 *et seq.* ("the Act"), that Caterpillar sold, offered for sale, or introduced or delivered for introduction into commerce, certain heavy duty diesel engines that are equipped with computer software that alters fuel injection timing when the engines are in actual use, relative to the fuel injection timing used to control emissions of oxides of nitrogen ("NO<sub>x</sub>") on the emissions test (the Federal Test Procedure or "FTP") required by U.S. Environmental Protection Agency ("EPA") regulations for the sale of motor vehicle engines in the United States. The United States alleges in its complaint that these computer strategies have an adverse effect on the engines' emission control system for NO<sub>x</sub>, that they were not adequately disclosed to EPA, that they are emission-control defeat devices prohibited under the Act, and that these engines are not covered by an EPA Certificate of Conformity, as required by the Act for motor vehicle engines to be sold in the United States.

Under the proposed Consent Decree, Caterpillar has agreed to resolve the United States' claims by, among other things:

(1) Reducing emissions from heavy duty diesel engines and eliminating the strategies of concern in future production, in accordance with the schedule set forth in the proposed Decree. This includes a substantial reduction in emissions by the end of this year, and a requirement that Caterpillar achieve early compliance (by October 1, 2002) with the more stringent NO<sub>x</sub> plus nonmethane hydrocarbon emission standard that would otherwise not apply (under current law) until January 1, 2004;

(2) Meeting Consent Decree emission limits both on the FTP and on a supplemental test called the EURO III test, which measures emissions under steady state conditions;

(3) Meeting "emission surface limits" and "not-to-exceed" limits that impose specific emissions limits in real-world operating conditions;

(4) Addressing emissions from engines previously sold and currently in use by developing and supplying dealers and independent rebuilders with Low NO<sub>x</sub> Rebuild Kits, which would be used by engine rebuilders at the time of rebuild, and would reduce NO<sub>x</sub> emissions in rebuilt engines; and

(5) Meeting certain emission limits for nonroad engines one year earlier than the law engines;

As additional injunctive relief Caterpillar also will spend up to \$35 million to fund projects approved by EPA and CARB that are designed to reduce NO<sub>x</sub> and PM emissions. Some of those projects are already specified in the Consent Decree. Others will be selected after the close of the public comment period following consideration of, and review and approval by the United States and CARB, of projects proposed by Caterpillar, including any ideas submitted by the public. Caterpillar may receive credit against a portion of this \$35 million obligation in return for securing verifiable reductions in NO<sub>x</sub> emissions not otherwise required by this Decree or other applicable law, but in no event will its obligation to fund projects be less than \$25 million.

Finally, Caterpillar is required to pay \$25 million of civil penalties, twenty-five percent of which will be paid to CARB as part of its parallel settlement with Caterpillar.

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, D.C. 20530, and should