

**Johnson County**

Townsend, George, House, 61872 NE 136,  
Tecumseh, 06000996

**Sarpy County**

Gordon, William E., House, 711 Bellevue  
Blvd. S, Bellevue, 06000997

**NEW YORK****Herkimer County**

Italian Community Bake Oven, NY 167, Little  
Falls, 06001003

**Onondaga County**

Cosman Family Cemetery, Lattintown Rd.,  
Middle Hope, 06001002

**Otsego County**

Fly Creek Historic District, (Industrial  
Development in the Oaks Creek Valley,  
Otsego County, New York MPS), NY 28,  
NY 80, Cty Rd. 26, Cemetery Rd., Goose St.  
Allison Rd., Bissell Rd., Fly Creek,  
06001004

**Rockland County**

Andre, Maj. John, Monument, 42 Andre Hill,  
Tappan, 06001001 Washington County  
Dayton-Williams House, 65 Dayton Hill Rd.,  
Middel Granville, 06001000

**PENNSYLVANIA****Lancaster County**

Ephrata Commercial Historic District,  
Portions of W. Main, E. Main, N. State, S.  
State Sts., and Washington Ave., Ephrata,  
06001005

**Philadelphia County**

Presser Home for Retired Music Teachers,  
101-121 W. Johnson St., Philadelphia,  
06001006

**SOUTH DAKOTA****Corson County**

Sitting Bull Monument, SE ¼ of SE ¼ of Sec  
13 T18 R29, Mobridge, 06001008

**Minnehaha County**

Renner Ball Park, ¾ mi. W of 258th St., and  
SD 115 intersection, Renner, 06001007

**TENNESSEE****Sumner County**

Durham's Chapel School, 5055 Old TN 31 E,  
Bethpage, 06001009

**VERMONT****Franklin County**

Giroux Furniture Company Building, 10-18  
Catherine St., St. Albans, 06001010

**VIRGINIA****Chesterfield County**

Dale's Pale Archeological District,  
(Prehistoric through Historic Archeological  
and Architectural Resources at Bermuda  
Hundred MPS), South Shore of James R.,  
Chesterfield County Park, Chester,  
06001012

Town of Bermuda Hundred Historic District,  
(Prehistoric through Historic Archeological  
and Architectural Resources at Bermuda  
Hundred MPS), Both sides of Bermuda

Hundred and Allied Rds., Chester,  
06001011

**WASHINGTON****Whitman County**

College Hill Historic District, Roughly  
bounded by Stadium Way, B St., Howard  
St. and Indiana St., Pullman, 06001013

[FR Doc. E6-17297 Filed 10-17-06; 8:45 am]

**BILLING CODE 4312-51-P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Consent Decree  
Under the Comprehensive  
Environmental Response  
Compensation, and Liability Act**

Notice is hereby given that on October  
4, 2006, a proposed Consent Decree in  
*United States v. Afton Chemical Corp.,  
et al.*, Case No. 3: 06-cv-763 ("Afton  
Chemical"), was lodged with the United  
States District Court for the Southern  
District of Illinois.

In *Afton Chemical*, the United States  
is seeking recovery of approximately  
\$3.5 million in response costs incurred  
in connection with a 1999-2000  
removal action ("Removal Action") at  
Sauget Area 2, Southern Site Q, in  
Cahokia, Illinois. The proposed Consent  
Decree would resolve the United States'  
claims against 21 of the *Afton Chemical*  
defendants (the "Settling Defendants").  
Under the proposed Consent Decree, the  
Settling Defendants would pay  
\$2,601,594.20 to the United States. In  
exchange, they would receive  
contribution protection and a covenant  
by the United States not to sue them for  
response costs incurred in connection  
with the Removal Action. The Settling  
Defendants include the following: Afton  
Chemical Corporation; Allied Waste  
Industries, Inc.; A.O. Smith Corporation;  
Barry-Wehmiller Companies, Inc.; BASF  
Corporation; BFI Waste Systems of  
North America, Inc.; Blue Tee Corp.;  
Cyprus Amax Minerals Company; The  
Dow Chemical Company; Eagle Marine  
Industries, Inc.; Exxon Mobil  
Corporation; Flint Group Incorporated;  
Fru-Con Construction Corporation; The  
Glidden Company; Mallinckrodt Inc.;  
Merck & Co., Inc.; Pharmacia  
Corporation; The Procter & Gamble  
Company; The Procter & Gamble  
Manufacturing Company; Service  
America Corporation; and Union  
Carbide Corporation.

The Department of Justice will receive  
for a period of 30 days from the date of  
this publication comments relating to  
the proposed Consent 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. Afton Chemical Corp., et al.*,  
D.J. Ref. 90-11-206089/1.

The proposed Consent Decree may be  
examined at the Office of the United  
States Attorney, 9 Executive Drive,  
Fairview Heights, IL 62208-1344, and at  
the U.S. Environmental Protection  
Agency, Region 5, 77 West Jackson  
Boulevard, Chicago, IL 60604-3590.  
During the public comment period, the  
proposed Consent Decree may also be  
examined on the following Department  
of Justice Web site: [http://  
www.usdoj.gov/enrd/  
Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the  
proposed Consent 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, or by e-mailing or faxing a  
request to Tonia Fleetwood  
([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov), fax number  
(202) 514-0097, phone confirmation  
number (202) 514-1547). In requesting a  
copy from the consent Decree Library,  
please enclose a check in the amount of  
\$10.50 (25 cents per page reproduction  
cost) payable to the United States  
Treasury. If a request for a copy of the  
proposed Consent Decree is made by fax  
or e-mail, please forward a check in the  
aforementioned amount to the Consent  
Decree Library at the address noted  
above.

**William Brighton,**

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

[FR Doc. 06-8744 Filed 10-17-06; 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**

In accordance with Departmental  
policy, 28 CFR 50.7, notice is hereby  
given that a proposed consent decree in  
*United States v. Cooper Industries, LLC*,  
Civil Action No. 4:06-CV-467 RP-TJS,  
was lodged on September 29, 2006 with  
the United States District Court for the  
Southern District of Iowa. Under this  
Consent Decree, the Settling Defendant  
will reimburse the United States for  
response costs incurred or to be  
incurred for response actions taken at or  
in connection with the release or  
threatened release of hazardous  
substances at the McGraw Edison  
Superfund Site in Centerville,  
Appanoose County, Iowa.

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, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Cooper Industries, LLC*, DOJ Ref. 90-11-3-08559.

The proposed consent decree may be examined at the office of the United States Attorney, 110 East Court Avenue, Suite 286, Des Moines, IA 50309-2044 and at U.S. EPA Region 7, 901 N. 5th Street, Kansas City, KS 66101. During the comment period, the consent decree may be examined on the following Department of Justice Web site to [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the consent decree also may be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$4.50 (without attachments) or \$4.75 (with attachments) for *United States v. Cooper Industries, LLC*, (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert E. Maher, Jr.,**  
Assistant Section Chief, Environmental  
Enforcement Section.

[FR Doc. 06-8741 Filed 10-17-06; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Proposed Agreement Regarding Alleged Non-Compliance With Consent Decree in *United States v. Cummins Engine Company, Inc.*

Notice is hereby given of a proposed Agreement Regarding Alleged Non-Compliance with Consent Decree ("Agreement") in the case of *United States v. Cummins Engine Company, Inc.*, Civil Action No. 98-02546, in the United States District Court for the District of Columbia.

The Agreement resolves four matters involving Cummins' alleged failure to comply with a 1999 Consent Decree settling claims under Title II of the Clean Air Act, 42 U.S.C. 7521 *et seq.* (the "Act"), regarding the alleged use of illegal emission-control "defeat devices" on Cummins' 1998 and prior heavy-duty diesel engines ("HDDes").

The first matter concerns Cummins' use of a computer-based auxiliary emission control device ("AECD") to prevent engine overheating, on approximately 11,600 model years 2000-2003 engines sold for use in school buses and recreational vehicles. The overheat AECD, which required EPA approval, did not operate in the manner described in Cummins' applications to EPA for regulatory "certificates of conformity" permitting the sale of the engines in the United States and as pre-approved in the 1999 Consent Decree. The second matter concerns Cummins' use of 1101 more Averaging, Banking and Trading ("AB&T") Credits than was permitted by the consent Decree. The third matter relates to Cummins' implementation of a Low NO<sub>x</sub> Rebuild Program for which Cummins failed to request the requisite EPA approval (until April 13, 2006). The last matter is Cummins' omission of 26,347 engines from its Low NO<sub>x</sub> Rebuild Program. In addition, the Settlement resolves Cummins' disclosure to the United States that in 2001 it violated provisions of 40 CFR part 86 in connection with certification testing of engines under the Consent Decree by its failure to perform test equipment calibrations within applicable time limits set forth in 40 CFR 86.1321; 1321(b); 1323(a) & (b) and 1324.

These violations are addressed through Cummins' payment of an agreed penalty in the amount of \$950,000, to be shared between the United States and the California Air Resources Board. Cummins will also continue a recall to fix or disable the overheat AECD. Lastly, Cummins will recoup the excess tons of NO<sub>x</sub> emitted by its violations of the Consent Decree, offset by any tons obtained in the ongoing recall. The NO<sub>x</sub> tons must come from one of three sources: (1) Cummins' on-road AB&T accounts; (2) Cummins' off-road AB&T accounts; or (3) currently valid stationary source NO<sub>x</sub> tons purchased on the open market through a licensed broker.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Agreement. 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. Cummins Engine Company, Inc.*, D.J. Ref. 90-5-2-1-2136A.

During the public comment period, the Agreement may be examined on the following Department of Justice Web

site, <http://www.usdoj.gov/enrd/open.html>.

A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax No. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Decree from the Consent Decree Library, please enclose a check in the amount of \$4.50 (25 cents per page reproduction cost for 18 pages) payable to the U.S. Treasury.

**Karen Dworkin,**

Assistant Chief, Environmental Enforcement  
Section.

[FR Doc. 06-8742 Filed 10-17-06; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on October 4, 2006, a proposed consent decree in *United States and State of Indiana v. City of Indianapolis*, Civ. No. 1:06-cv-1456, was lodged with the United States District Court for the Southern District of Indiana.

In this action the United States sought civil penalties and injunctive relief for alleged violations of Sections 301 and 402 of the Clean Water Act, 33 U.S.C. 1319 and 1342, in connection with the City's operation of its municipal wastewater and sewer system. The City currently discharges approximately eight billion gallons of untreated sewage per year from approximately 133 Combined Sewer Overflows, Sanitary Sewer Overflows, and bypass locations into the White River and its tributaries. The Complaint alleges that the City's discharges, which occur approximately 60 times per year, violate the Clean Water Act either because the discharges violate limitations and conditions in the City's National Pollutant Discharge Elimination System (NPDES) permits, or because the discharges are from point sources not authorized by the City's NPDES permits. The Complaint also asserts claims for violations of comparable State law on behalf of the State of Indiana.

Under the proposed Consent Decree, the City would be required to: (1) Implement a Long Term Control Plan which would greatly reduce Combined Sewer Overflows; (2) implement a plan designed to eliminate Sanitary Sewer Discharges; (3) perform a Supplemental