

(5) This is a final Order of the Department of Energy.

George B. Breznay,
Director, Office of Hearings and Appeals.

Dated: November 6, 1995.

APPENDIX

Case No.	Firm	ERA order No.	Principal amount
VEF-0013 ..	Malcolm M. Turner (Bayport Consent Order Fund)	6A0X00329	\$65,000.00
VEF-0014 ..	Revere Petroleum Corp. <i>et al</i>	6A0X00336W	1,310,140.13
VEF-0015 ..	Granite Petroleum Corporation	640X00447W	176,698.85
VEF-0016 ..	Dalco Petroleum Corporation	6C0X00240W	3,015,560.74
Total		4,567,399.72

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5330-9]

C & R Battery Company, Inc. De Minimis Settlement; Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: United States Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The United States Environmental Protection Agency is proposing to enter into a second *de minimis* settlement pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. 9622(g)(4). This proposed settlement is intended to resolve the liabilities under CERCLA of 3 *de minimis* parties for response costs incurred by the United States Environmental Protection Agency at the C & R Battery Company, Inc. Site, Chesterfield County, Virginia.

DATES: Comments must be provided on or before December 14, 1995.

ADDRESSES: Comments should be addressed to the Docket Clerk, United States Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107, and should refer to: In Re: C & R Battery Company, Inc. Site, Chesterfield County, Virginia, U.S. EPA Docket No. III-95-58-DC.

FOR FURTHER INFORMATION CONTACT: Lydia Isales (215) 597-9951, United States Environmental Protection Agency, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107.

SUPPLEMENTARY INFORMATION: *Notice of de minimis Settlement:* In accordance with Section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the C & R Battery Company, Inc. Site in Chesterfield County, Virginia. The administrative settlement was signed by the United States Environmental Protection Agency, Region III's Regional Administrator on August 30, 1995 and subject to review by the public pursuant to this Notice. The agreement is also subject to the approval of the Attorney General, United States Department of Justice or her designee and for the grant of a covenant not to sue for damages to natural resources, is also subject to agreement in writing by the Department of Interior and the National Oceanic and Atmospheric Administration. Below are listed the parties who have executed binding certifications of their consent to participate in the settlement:

Steve A. Stump t/a Stump's Scrap Yard
Gilbert Freedman t/a Ace Junk Company
Vinton Scrap & Metals Company

These 3 parties collectively agreed to pay \$27,581.50 to the United States Environmental Protection Agency and all 3 have agreed to pay \$4,234.97 to the Department of Interior and the National Oceanic and Atmospheric Administration for damages to natural resources, subject to the contingency that the Environmental Protection Agency may elect not to complete the settlement based on matters brought to its attention during the public comment period established by this Notice.

EPA is entering into this agreement under the authority of Sections 122(g) and 107 of CERCLA, 42 U.S.C. 9622(g) and 9607. Section 122(g) of CERCLA, 42 U.S.C. 9622(g), authorizes early settlements with *de minimis* parties, which allow them to resolve their liability under Section 107 of CERCLA, 42 U.S.C. 9607, to reimburse the United States for response costs incurred in cleaning up Superfund sites, without

incurring substantial transaction costs. Under this authority the Environmental Protection Agency proposes to settle with three potentially responsible parties at the C & R Battery Company, Inc. Site who are each responsible for less than 1% percent of the volume of hazardous substances at the Site. The United States previously settled with 66 *de minimis* parties who are each responsible for less than 1% percent of the volume of hazardous substances at the Site. The grant of a covenant not to sue for damages to natural resources by the Department of Interior and the National Oceanic and Atmospheric Administration to those parties paying their share of such allocated costs is subject to agreement in writing by the Department of Interior and the National Oceanic and Atmospheric Administration pursuant to Section 122(j) of CERCLA, 42 U.S.C. 9622(j).

The *de minimis* parties listed above will be required to pay their volumetric share of the Government's past response costs and the estimated future response costs at the C & R Battery Company, Inc. Site. The *de minimis* parties listed above will be required to pay their share of the Department of Interior's and the National Oceanic and Atmospheric Administration's estimated costs of damages to natural resources.

The Environmental Protection Agency will receive written comments to this proposed administrative settlement for thirty (30) days from the date of publication of this Notice. A copy of the proposed Administrative Order on Consent can be obtained from the Environmental Protection Agency, Region III, Office of Regional Counsel, (3RC20), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107 by contacting Lydia Isales, Senior Assistant Regional Counsel, at (215) 597-9951.

W. Michael McCabe,
Regional Administrator, EPA, Region III.
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