

prior owner and operator of the Site, to stipulate to the United States' contested claim in bankruptcy as a general allowed unsecured claim of \$1,550,000 and to relinquish any claims it may have against the United States. The Settlement Agreements also include covenants not to sue by the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9601 *et seq.*, and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973, and provide Porter with contribution protection.

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 Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. H. K. Porter Company, Inc., et al.*, DOJ Ref. # 90-11-2-738C. Commentors may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed Settlement Agreements may be examined at the Office of the United States Attorney, Western District of Pennsylvania, 633 United States Post Office & Court House, 7th Avenue & Grant Street, Pittsburgh, Pennsylvania 15219; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania, 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Settlement Agreements may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy of the body of the proposed Settlement Agreements, please refer to the referenced case and enclose a check in the amount of \$4.00 (25 cents per page reproduction costs), for each copy. The check should be made payable to the Consent Decree Library. Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 96-30806 Filed 12-3-96; 8:45 am]

BILLING CODE 4410-15-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive, Environmental Response, Compensation and Liability Act ("CERCLA")

In accordance with Departmental policy, 28 CFR 50.7, and Section

122(d)(2) of CERCLA, 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed consent decree in *United States v. Harris Corporation*, Civil Action No. 96-1237-CIV-ORL-19 was lodged on November 20, 1996, with the United States District Court for the Middle District of Florida. This agreement resolves a judicial enforcement action brought by the United States against Harris Corporation ("Harris") pursuant to Sections 106(a) and 107 of CERCLA, 42 U.S.C. 9606(a) and 9607. The United States seeks recovery of response costs and injunctive relief in order to remedy conditions in connection with the release or threatened release of hazardous substances into the environment at and from Operable Unit Two ("OU2") of the Harris Corporation/Palm Bay facility Superfund Site ("Site"). The Site is located in Palm Bay, Brevard County, Florida.

The Site facility is divided into two major operating business units: The Semiconductor Sector to the north and Electronics Systems Sector to the south. For purposes of investigation, EPA divided the contamination at the Site into two operable units, with the first operable unit ("OU1") to address contamination in the groundwater underlying the Electronic Systems Sector. The second operable unit ("OU2") addresses the soils, sediment, and surface water throughout the Site, and the groundwater underlying the Semiconductor Sector. The Court entered a Consent Decree on October 25, 1991, and an Amendment to Consent Decree on June 1, 1993, in Civil Action No. 91-624-CIV-ORL-19, with respect to OU1.

EPA selected a remedy for OU2 which it set forth in a Record of Decision ("ROD") executed on February 15, 1995, and modified by an Explanation of Significant Differences ("ESD") executed on December 8, 1995. In the ROD, EPA selected a groundwater remedy which includes continued operation of the existing groundwater recovery and treatment system, conversion of existing recovery well SC-TS4 to a monitoring well, the addition of a new 40-foot monitoring well on the southwestern portion of OU2, and continued groundwater monitoring until all performance standards are met. EPA selected a No-Action remedy for the soils, sediment, and surface water throughout the entire site, as no hazardous substances were detected in any of these media above the appropriate action level.

The consent decree requires Harris to perform this remedy as set forth in the ROD for OU2. Harris also agreed to pay

\$112,000 in past response costs incurred by the United States at OU2, and to pay future response costs which the United States will incur at the Site.

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, Department of Justice, Washington, DC 20530, and should refer to *United States v. Harris Corporation*, DOJ Ref #90-11-2-1137.

The proposed consent decree may be examined at the office of the United States Attorney, 201 Federal Building, 80 North Houghey Avenue, Orlando, Florida 32801; the Region 4 office of the Environmental Protection Agency, 100 Alabama Street, S.W., Atlanta, Georgia 30303; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check for the reproduction costs. If you request a copy of the Consent Decree without attachments, which attachments include the ROD, Statement of Work, and ESD, then the amount of the check should be \$19.75 (79 pages at 25 cents per page). If you request a copy of the Consent Decree with the above stated attachments, then the amount of the check should be \$39.75 (159 pages at 25 cents per page). The check should be made payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section,
Environment and Natural Resources Division.
[FR Doc. 96-30894 Filed 12-3-96; 8:45 am]

BILLING CODE 4410-15-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and Section 7003(d) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973(d), notice is hereby given that a proposed consent decree in *United States v. Johnson Controls, Inc. v. City of Dover, Delaware,*

et al., Civil Action No. 93-335 LON, was lodged on November 15, 1996, with the U.S. District Court for the District of Delaware. The proposed consent decree would settle an action that the United States brought on behalf of the U.S. Environmental Protection Agency under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607(a), against Johnson Controls, Inc. ("JCI"), for recovery of response costs incurred by the United States in connection with the Wildcat Landfill Superfund Site, located in Kent County, Delaware, near the City of Dover ("the Site"). The consent decree would also resolve the claims that JCI brought in this action under Section 113(f)(1) of CERCLA, 42 U.S.C. 9613(f)(1), against third-party defendants the City of Dover, Delaware, the U.S. Department of Defense, ILC Dover, Inc., ILC Industries, Inc., J.C. Penney Co., Inc., General Foods Corp., and Sherwin-Williams Co., alleging that those parties were liable to reimburse JCI for an equitable share of any response costs for which JCI was found liable to reimburse the United States relating to the Site. Under the terms of the consent decree, the \$550,000 in funds that the Settling Defendants (JCI and each of the third-party defendants) collectively have paid into an escrow account pending finalization of this proposed settlement, plus interest, will be paid to the United States to reimburse the EPA Hazardous Substance Superfund.

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 of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Johnson Controls, Inc. v. City of Dover, Delaware, et al.*, D.J. No. 90-11-3-595. In addition, pursuant to Section 7003(d) of RCRA, 42 U.S.C. 6973(d), any member of the public who desires a public meeting in the area affected by the proposed consent decree in order to discuss the proposed consent decree prior to its final entry by the court may request that such a meeting be held. Any such request for a public meeting should be sent to the same address and bear the same reference as indicated above for submission of comments.

The proposed consent decree may be examined at the office of the U.S. Attorney for the District of Delaware, 1201 Market Street, Suite 1100, Wilmington, DE 19899-2046; the Region

III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107; and at the Consent Decree Library, 1120 G Street NW., 4th floor, Washington, DC 20005. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$7.75 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Walker Smith,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96-30807 Filed 12-3-96; 8:45 am]

BILLING CODE 4410-15-Ms

Notice of Lodging; Second Modification of the Partial Consent Decree on Remediation Between United States, State of New York and Occidental Chemical Corporation Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR § 50.7, 38 Fed. Reg. 19029, and Section 122(d) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (CERCLA), 42 U.S.C. § 9622(d), notice is hereby given that on November 15, 1996, a proposed Second Modification of the Partial Consent Decree on Remediation between United States, State of New York and Occidental Chemical Corp. was lodged with the United States District Court for the Western District of New York in *United States v. Occidental Chemical Corporation, et al. (Love Canal)*, Civil Action No. 79-990(JTC).

The Love Canal litigation was commenced in 1979 seeking injunctive relief and cost recovery in connection with the disposal by Occidental of hazardous substances at the Love Canal Landfill Site near Niagara Falls, New York. On March 19, 1996, the Court entered a Consent Decree pursuant to which the United States will recover a total of \$137 million (plus interest) in response costs incurred in connection with the Site. On July 1, 1994, the Court approved a Consent Judgment between New York State and Occidental under which Occidental agreed, *inter alia*, to perform operation and maintenance (O&M) of the remedy at the Site and to pay \$98 million in settlement of the State's claim. The instant Decree will not affect either of these prior settlements.

The Second Modification modifies the Partial Consent Decree on Remediation (PCD), which was previously entered on September 20, 1989. Under the original PCD, all wastes from the Love Canal site were to be incinerated. Subsequent regulations provide that certain wastes with low levels of toxicity can be landfilled at licensed facilities. The Second Modification to the PCD would, upon entry by the Court, authorize Occidental to landfill some Love Canal wastes in accordance with applicable regulations and incinerate remaining wastes. The Second Modification will retain the standards for thermal destruction contained in the original Decree. These standards are more stringent than are otherwise required under current regulations. These changes are described in greater detail in the Explanation of Significant Differences (ESD), which was prepared by the United States Environmental Protection Agency (EPA), and which accompanies, and is a part of, the Second Modification. The instant Decree, if approved by the Court, will resolve all outstanding remedial issues in the Love Canal litigation.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Decree Modification. 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 refer to *United States v. Occidental Chemical Corporation, D.J. Ref. 90-5-1-1-1229*.

The proposed Decree Modification may be examined at the Office of the United States Attorney, Western District of New York at Federal Centre, 138 Delaware Avenue, Buffalo, New York 14202; the offices of EPA—Region II at 290 Broadway, New York, New York 10007-1866; and at the Consent Decree Library at 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed Decree Modification may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclosed a check in the amount of \$5.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bruce S. Gelber,

Principal Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96-30893 Filed 12-3-96; 8:45 am]

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