

Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on the application if a motion to intervene is not filed within the time required herein. If a motion to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Lois D. Cashell,

Secretary.

[FR Doc. 95-28005 Filed 11-13-95; 8:45 am]

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The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Wickford's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is November 24, 1995.

Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street NE., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

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to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95-28007 Filed 11-13-95; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy announces the procedures for disbursement of \$4,567,399.72 (plus accrued interest) in alleged or adjudicated crude oil overcharges obtained by the DOE from Malcolm M. Turner (Case No. VEF-0013), Revere Petroleum Corporation *et al.* (Case No. VEF-0014), Granite Petroleum Corporation (Case No. VEF-0015), and Dalco Petroleum Corporation (Case No. VEF-0016). The OHA has determined that the funds obtained from these firms, plus accrued interest, will be disbursed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 586-2860.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set forth below. The Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute a total of \$4,567,399.72, plus accrued interest, remitted to the DOE by Malcolm M. Turner, Revere Petroleum Corporation *et al.*, Granite Petroleum Corporation and Dalco Petroleum Corporation. The DOE is currently holding these funds in interest bearing escrow accounts pending distribution.

The OHA will distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986) (the MSRP). Under the MSRP,

[Docket No. ER95-1415-000]

Wickford Energy Marketing, L.C.; Notice of Issuance of Order

November 7, 1995.

On July 2, 1995, as amended October 2, 1995, Wickford Energy Marketing, L.C. (Wickford) submitted for filing a rate schedule under which Wickford will engage in wholesale electric power and energy transactions as a marketer. Wickford also requested waiver of various Commission regulations. In particular, Wickford requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Wickford.

On October 25, 1995, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Wickford should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, Wickford is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

[Docket No. CP96-43-000]

William Natural Gas Co.; Notice of Request Under Blanket Authorization

November 7, 1995.

Take notice that on November 1, 1995, Williams Gas Storage Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP96-43-000 a request pursuant to Sections 157.205, and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for approval to abandon by reclaim certain facilities originally installed for the direct sale of natural gas to Jones Land and Cattle, Inc. (Jones), and the transportation of gas through such facilities installed under WNG's blanket certificate authority issued in Docket No. CP82-479-000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to abandon by reclaim measuring and appurtenant facilities, and the transportation of gas through such facilities, located in Nuckolls County, Nebraska, originally installed in 1967 to serve Jones' irrigation operation. It is indicated that Jones has agreed to the reclaim of facilities and the abandonment of service. WNG estimates the total cost to reclaim these facilities at \$1,000 with a salvage value of \$0.

Any person or the Commission's Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefor, the proposed activities shall be deemed

crude oil overcharge monies are divided among the federal government, the states, and injured purchasers of refined petroleum products. Refunds to the states will be distributed in proportion to each state's consumption of petroleum products during the price control period. Refunds to eligible purchasers will be based on the volume of petroleum products that they purchased and the extent to which they can demonstrate injury.

Because the June 30, 1995, deadline for the crude oil refund applications has passed, no new applications from purchasers of refined petroleum products will be accepted for the 20 percent of these funds allocated to individual claimants. Instead, that share of the funds will be added to the general crude oil overcharge pool used for direct restitution.

Dated: November 6, 1995.

George B. Breznay,
Director, Office of Hearings and Appeals.
November 6, 1995.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Names of Firms: Malcolm M. Turner, Revere Petroleum Corporation et al. Granite Petroleum Corporation, Dalco Petroleum Corporation

Dates of Filing: April 10, 1995; April 10, 1995; April 10, 1995; May 2, 1995

Case Numbers: VEF-0013, VEF-0014, VEF-0015, VEF-0016

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR part 205, Subpart V, the Office of General Counsel, Regulatory Litigation (OGC) (formerly the Economic Regulatory Administration (ERA), Office of Enforcement Litigation), filed four Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on April 10, 1995, and May 2, 1995. The Petitions request that OHA formulate and implement procedures to distribute funds received by the DOE from Malcolm M. Turner (Turner), Revere Petroleum Corporation (Revere), Granite Petroleum Corporation (Granite), and Dalco Petroleum Corporation (Dalco), pursuant to court-approved settlements between the parties and the DOE, DOE consent orders or remedial orders. This Decision and Order sets forth the OHA's plan to distribute these funds.

I. Background

As indicated by the following summaries of the relevant enforcement proceedings, all of the funds that are subject to this Decision were obtained through enforcement actions involving alleged or adjudicated crude oil overcharges.

A. Malcolm Turner

Turner, the sole Director and President of Bayport Refining Co. (Bayport), was a reseller

of crude oil during the period of petroleum price controls and was subject to regulations governing the pricing and allocation of crude oil set forth at 10 CFR Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations. As the result of an ERA audit of Turner's and Bayport's operations, the ERA issued a Proposed Remedial Order (PRO) on September 20, 1984, alleging that they violated the provisions of 10 CFR § 212.186, by charging prices for crude oil in excess of actual purchase prices without providing any service or other function traditionally and historically associated with the resale of crude oil during the period from September 1978 through December 1980. According to the PRO, those transactions resulted in overcharges amounting to \$11,810,639.84. The PRO further alleged that during the period from December 1979 through December 1980, the Respondents violated the provisions of 10 CFR § 212.131 by the miscertification of crude oil. According to the PRO, those transactions resulted in overcharges amounting to \$12,554,371.74. The OHA in large part affirmed the findings of the PRO and issued a Remedial Order (RO) to the Respondents on February 16, 1989. Bayport Refining Co., 18 DOE ¶ 83,007 (1989). The RO was upheld by the Federal Energy Regulatory Commission (FERC) on October 4, 1993. Bayport Refining Company and Malcolm M. Turner, 65 FERC ¶ 61,021 (1993). Turner appealed to the United States District Court for the Northern District of Texas on March 31, 1994.¹ In January 1995, the court entered an Agreed Judgment resolving the issues addressed by the RO against Turner. Pursuant to the Agreed Judgment, Turner agreed to pay to the DOE the sum of \$65,000. Turner has fulfilled his financial obligation to the DOE. As of September 30, 1995, the Bayport Consent Order fund contained \$65,000 in principal plus accrued interest.²

B. Revere Petroleum Corp.

During the period of Federal petroleum price controls, Revere was engaged in crude oil reselling.³ The firm was therefore subject to regulations governing the pricing of crude oil set forth at 10 CFR Parts 205, 210, 211, and 212 of the Mandatory Petroleum Price and Allocation Regulations. As a result of an ERA investigation of Revere's compliance with the price and allocation regulations, the ERA issued a PRO to Revere on January 18, 1983. However, on August 9, 1983, that PRO was amended by the ERA to include additional violations of 10 CFR § 212.186, alternative violations of 10 CFR § 212.183, and five additional parties as co-respondents of the PRO.⁴ On May 29, 1992, the OHA

issued the Amended PRO, with modifications, as an RO. *Revere Petroleum Corp.*, 22 DOE ¶ 83,004 (1992). The RO found Revere liable for violations of 10 CFR § 212.186 in connection with its resales of crude oil during the period April 1979 through March 1980. Revere appealed to FERC (Case No. R092-4-00). However, subsequently, this enforcement proceeding was settled when Revere and DOE entered into a settlement on an ability-to-pay basis in order to resolve DOE's claims against the firm. Revere agreed to pay the DOE the sum of \$50,000.00, plus a percentage of the proceeds of Revere's asset liquidation. As of September 30, 1995, Revere and the other respondents have paid to the DOE the sum of \$1,310,140.13 in satisfaction of their obligations.⁵ Although additional revenues may be collected, no good reason exists to delay implementing distribution of the current balance of the fund.

C. Granite Petroleum Corporation

Granite engaged in the reselling and marketing of crude oil during the period of petroleum price controls. The firm was therefore subject to regulations governing the pricing and allocation of crude oil set forth at 10 CFR. Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations. The ERA conducted a detailed audit to determine Granite's compliance with the federal petroleum price and allocation regulations during the period from September 1, 1979 through January 27, 1981. As a result of the audit, on March 4, 1983, the ERA issued a PRO to the firm alleging violations of the crude oil price and allocation regulations (Case No. 640X00447). In September 1983, Granite and the DOE entered into a Consent Order which resolved a number of outstanding enforcement issues involving Granite. Under the terms of the settlement, Granite agreed to pay \$200,000 in installment payments to the DOE.⁶ As of September 30, 1995, Granite has paid to the DOE the sum of \$176,698.85. Granite is currently delinquent in its payments to the DOE. Although we anticipate that additional sums may be collected from Granite, no good reason exists to forestall distribution of the current balance of the fund.

D. Dalco Petroleum Corporation

Dalco was a reseller of crude oil during the period of price controls and was subject to regulations governing the pricing and allocation of crude oil set forth at 10 CFR. Parts 211 and 212 of the Mandatory Petroleum Price and Allocation Regulations.

Walz, who entered into a separate Consent Order with the DOE in December 1987, and John E. Woolsey, who entered into a separate Consent Order with the DOE in September 1986.

⁵ Revere and all of the named individuals except Woolsey have satisfied their obligations to the DOE. Although Woolsey has made substantial payments to the DOE, he is delinquent in his payments, and the possibility exists that additional funds will be paid by him.

⁶ Granite Petroleum Corporation and John E. Woolsey, President of Granite, are collectively referred to as Granite in the text. Both were parties to the Consent Order.

¹ Bayport, which was dissolved in November 1982, did not appeal the RO. While the matter was referred for enforcement of the RO against Bayport, no funds were ever collected from the corporation.

² The funds submitted by Turner pursuant to the Agreed Judgment are deposited in the Bayport Consent Order fund, No. 6A0X00329.

³ References to Revere in this Decision include Richard E. Dobyms, President of Revere, during the price control period.

⁴ Those five individuals were James J. Cross, M. Kemp McMillan, Gordon K. Walz, and Milton E.

As the result of an ERA audit, the ERA issued a PRO to Dalco on April 30, 1982, alleging that between March 1976 and September 1978, Dalco violated the DOE mandatory petroleum price regulations which governed the resale of domestic crude oil, pursuant to 10 CFR. §§ 212.93, 212.10, 212.131, 205.202, 210.62(c), and 212.185, resulting in the illegal receipt of revenues. After the issuance of the PRO, but before a Statement of Objections was filed, Dalco filed for bankruptcy.⁸ In August 1983, the Bankruptcy Court for the Northern District of Oklahoma issued an injunction which stayed the enforcement proceeding against the respondents. The bankruptcy court ultimately approved and allowed the DOE's claims against Dalco and as of September 30, 1995, Dalco has paid \$3,015,560.74 to the DOE. Although the possibility exists that additional revenues will be obtained by the DOE in the Dalco bankruptcy proceeding, no reason exists to delay in implementing distribution of the current balance of the funds.⁹

II. Jurisdiction and Authority

The Subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of fund received as a result of an enforcement proceeding. The DOE policy is to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Petroleum Overcharge Distribution and Restitution Act of 1986*, 15 U.S.C. 4501 *et seq.*; see also *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

III. The Proposed Decision and Order

On September 13, 1995, OHA issued a Proposed Decision and Order (PDO) setting forth the OHA's tentative plan to distribute these funds. See 60 Fed. Reg. 48510 (September 19, 1995). OHA tentatively concluded that the funds should be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy in Crude Oil Cases (MSRP), 51 Fed. Reg. 27899 (August 4, 1986). Pursuant to the MSRP, OHA proposed to reserve 20 percent of those funds for direct refunds to applicants who claim that they were injured by the crude oil violations. We stated that the remaining 80 percent of the funds would be distributed to the states and federal government for indirect restitution.

We provided a period of 30 days from the date of the PDO publication in the Federal Register in which the public could submit comments regarding the tentative refund

procedures. More than 30 days have elapsed, and the OHA has received no comments concerning the proposed procedures.

IV. The Refund Procedures

A. Crude Oil Refund Policy

We adopt the tentative determination of the Proposed Decision and Order to distribute the monies remitted pursuant to the Turner, Revere, Granite, and Dalco enforcement proceedings in accordance with the MSRP, which was issued as a result of the Settlement Agreement approved by the court in *The Department of Energy Stripper Well Exemption Litigation*, 653 F. Supp. 108 (D. Kan. 1986). Shortly after the issuance of the MSRP, the OHA issued an Order that announced that this policy would be applied in all Subpart V proceedings involving alleged crude oil violations. Order Implementing the MSRP, 51 Fed. Reg. 29689 (August 20, 1986) (the August 1986 Order).

Under the MSRP, 40 percent of crude oil overcharge funds will be disbursed to the federal government, another 40 percent to the states, and up to 20 percent may initially be reserved for the payment of claims to injured parties. The MSRP also specified that any funds remaining after all valid claims by injured purchasers are paid will be disbursed to the federal government and the states in equal amounts.

In April 1987, the OHA issued a Notice analyzing the numerous comments received in response to the August 1986 Order. 52 Fed. Reg. 11737 (April 10, 1987) (April 10 Notice). This Notice provided guidance to claimants that anticipated filing refund applications for crude oil monies under the Subpart V regulations. In general, we stated that all claimants would be required to (1) document their purchase volumes of petroleum products during the August 19, 1973 through January 27, 1981 crude oil price control period, and (2) prove that they were injured by the alleged crude oil overcharges. Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry, and who were not subject to the DOE price regulations would be presumed to have been injured by any alleged crude oil overcharges. In order to receive a refund, end-users would not need to submit any further evidence of injury beyond the volume of petroleum products purchased during the period of price controls. See *City of Columbus Georgia*, DOE ¶ 85,550 (1987).

B. Refund Claims

The amount of money subject to this Decision is \$4,567,399.72, plus accrued interest. In accordance with the MSRP, we propose initially to reserve 20 percent of those funds (\$913,479.94 plus accrued interest) for direct refunds to applicants who claim that they were injured by crude oil overcharges. We propose to base refunds to claimants on a volumetric amount which has been calculated in accordance with the description in the April 10 Notice. That volumetric refund amount is currently \$0.0016 per gallon. See 60 Fed. Reg. 15562 (March 24, 1995).

Applicants who have executed and submitted a valid waiver pursuant to one of

the escrows established by the Stripper Well Settlement Agreement have waived their rights to apply for a crude oil refund under Subpart V. See *Mid-America Dairyman Inc. v. Herrington*, 878 F.2d 1448, 3 Fed. Energy Guidelines ¶ 26,617 (Temp. Emer. Ct. App. 1989); *In re Department of Energy Stripper Well Exemption Litigation*, 707 F. Supp. 1267, 3 Fed. Energy Guidelines ¶ 26,613 (D. Kan. 1987). Because the June 30, 1995, deadline for crude oil refund applications has passed, we will not accept any new applications from purchasers of refined petroleum products for these funds. See *Western Asphalt Service, Inc.*, 25 DOE ¶ 85,047 (1995). Instead, these funds will be added to the general crude oil overcharge pool used for direct restitution.¹⁰

C. Payments to the States and Federal Government

Under the terms of the MSRP, the remaining 80 percent of the alleged crude oil violation amounts subject to this Decision, or \$3,653,919.78 plus accrued interest, should be disbursed in equal shares to the states and federal government, for indirect restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Settlement Agreement. When disbursed, these funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Stripper Well Agreement.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take all steps necessary to transfer the consent order funds shown in the Appendix to this Decision and Order, plus all accrued interest from the escrow accounts of the firms listed in the Appendix, pursuant to Paragraphs (2), (3), and (4) of this Decision.

(2) The Director of Special Accounts and Payroll shall transfer \$1,826,959.89 plus any accrued interest, of the funds referenced in Paragraph (1) above, into the subaccount denominated "Crude Tracking-States," Number 999DOE0003W.

(3) The Director of Special Accounts and Payroll shall transfer \$1,826,959.89 plus any accrued interest, of the funds referenced in Paragraph (1) above, into the subaccount denominated "Crude Tracking-Federal," Number 999DOE002W.

(4) The Director of Special Accounts and Payroll shall transfer \$913,479.94 plus any accrued interest, of the funds referenced in Paragraph (1) above, into the subaccount denominated "Crude Tracking-Claimants 4," Number 999DOE0010Z.

¹⁰ A crude oil refund applicant is only required to submit one application for its share of all available crude oil overcharge funds. See, e.g., *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 at 88,176 (1988).

⁸ Zang, Porter and Dalco filed for bankruptcy on August 16, 1982, June 15, 1983, and July 20, 1983 respectively.

⁹ Porter has satisfied his obligations to the DOE under the PRO. Additional funds may be collected from the Dalco and Zang estates.

(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

[FR Doc. 95-28060 Filed 11-13-95; 8:45 am]
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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.
[FR Doc. 95-28062 Filed 11-13-95; 8:45 am]

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