

9607, incurred by the United States in connection with response actions taken at the Maryland Sand, Gravel and Stone Superfund Site ("Site") located in Elkton, Maryland. As part of its complaint, the United States sought recovery of costs from, *inter alia*, A&S Manufacturing Company, Schering Corporation and Westinghouse Electric. In turn, these parties sought contribution from, *inter alia*, E.R. Squibb & Sons and Martin Alexander.

The first consent decree is between the United States, A&S Manufacturing and Martin Alexander. This decree requires these parties to pay to the United States \$105,000 in reimbursement of past response costs associated with Operable Units I and II of the Maryland Sand Site. The settlement is based on a demonstration by A&S Manufacturing of its inability to reimburse the United States for any additional response costs. Under the terms of the decree, the United States has specifically reserved its right to seek further relief from A&S and Alexander for any future claims not specifically addressed in the decree. The decree also contains a reopener provision that allows the United States and any party that has paid past response costs as defined in the decree to seek further reimbursement from A&S or Alexander should either of them obtain insurance coverage for such claims.

The second decree is between the United States, Schering Corporation, Westinghouse Electric Company, Inc., and E.R. Squibbs & Sons, Inc. Under the terms of this decree Schering Corporation will pay \$1,942,084, Westinghouse will pay \$577,916 and E.R. Squibb will pay \$50,000 in reimbursement of the United States' response costs. Under the terms of the decree, the United States has specifically reserved its right to seek further relief from these parties for any future claims not specifically addressed in the decree.

The consent decrees include a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.* ("CERCLA"), and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973 for past response costs.

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, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States v. Maryland Sand, Gravel & Stone Company, et al.*, DOJ Ref. #90-11-2-225A. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA.

The proposed consent decrees may be examined at the Office of the United States Attorney, District of Maryland, U.S. Courthouse, 101 Lombard Street, Baltimore, Md. 21201; Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; 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 decrees may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of \$9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

*Environmental Enforcement Section,
Environment and Natural Resource Division.*
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Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and Section 7003(D) of the Resource Conservation and Recovery Act

Notice is hereby given that a proposed Settlement Agreement and Stipulated Order for Abandonment in *In re Tonolli Corporation*, Civil Action No. 5-86-00065, was lodged on March 6, 1996 with the United States Bankruptcy Court for the Middle District of Pennsylvania. The action arises out of the Tonolli Corporation Superfund Site in Nesquehoning, Pennsylvania, and resolves a dispute between the United States and one of Tonolli's creditors, Meridian Bank/Meridian Bancorp ("Meridian"), regarding which party had a priority security interest in the Tonolli property. Under the terms of the settlement, Meridian is assigning to EPA its security interest in the property of the Tonolli estate, giving the United States a priority security interest in this property. In exchange, the United States covenants not to sue Meridian under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 *et seq.* and Section 7003 of the Resource Conservation and Recovery Act (RCRA),

42 U.S.C. 6973. The proposed settlement also provides that Meridian will be entitled to contribution protection to the extent provided in Section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2).

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement. If requested, the Department will also provide a public meeting in the affected area, pursuant to Section 7003(d) of RCRA, 42 U.S.C. 6973(d). Comments and requests should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *In re Tonolli Corporation*, DOJ Ref. 90-7-2-174C.

The proposed consent decree may be examined and copied at the Office of the United States Attorney, Middle District of Pennsylvania, Middle District of Pennsylvania, Federal Building, Suite 1162, 228 Walnut Street, Harrisburg, Pennsylvania 17108; the Region III Office of the Environmental Protection Agency, Office of Regional Counsel, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. A copy of the proposed settlement may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, 202-624-0892. In requesting a copy, please refer to the referenced case (*In re Tonolli Corp.*, DOJ Case No. 90-7-2-174C) and enclose a check in the amount of \$3.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

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

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Notice of Lodging of Consent Decree Pursuant To The Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, notice is hereby given that a proposed consent decree in *United States v. Young Refining Company*, Civil Action No. 1-96-CV-1002-JEC, was lodged on April 25, 1996, with the United States District Court for the Northern District of Georgia. The consent decree settles a claim brought under Section 107(a) of the Comprehensive Environmental