

against the Joseph A. Schiavone Corporation and The Schiavone Corporation under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(a), for past response costs incurred at the Jack's Creek/Sitkin Smelting Superfund Site in Mifflin County, Pennsylvania. The Partial Consent Decree requires Joseph A. Schiavone Corporation and The Schiavone Corporation, collectively, to pay \$685,000.00 to the United States.

The Department of Justice will accept written comments on the proposed Partial Consent Decrees for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611 and refer to *United States v. American Scrap Company*, DOJ Ref. No. 90-11-2-911/1.

Copies of the proposed Partial Consent Decrees may be examined at the Office of the United States Attorney, Middle District of Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108, and at EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029. Copies of the proposed Partial Consent Decrees may also be obtained by mail from the U.S. Department of Justice, Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611, or by faxing a request to Tonia Fleetwood, facsimile No. (202) 514-0097, phone confirmation No. (202) 514-1547. When requesting copies, please enclose a check to cover the twenty-five cents per page reproduction costs payable to the "Consent Decree Library" in the amount of \$5.75 (for the Ohio Brass Decree) or \$5.75 (for the Schiavone Decree), and reference *United States v. American Scrap Company*, DOJ Ref. No. 90-11-2-911/1.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act and the Clean Air Act

Pursuant to 28 CFR § 50.7, notice is hereby given that, on April 3, 2002, a proposed consent decree in *United States v. Cooley, Inc.*, Civil Action No. 02-156, was lodged with the United

States District Court for the District of Rhode Island.

In this action the United States sought civil penalties and injunctive relief with respect to violations of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 *et seq.*, and the Clean Air Act ("CAA"), 42 U.S.C. 7401 *et seq.*, at the facility operated by Cooley, Inc. ("Cooley") in Pawtucket, Rhode Island. The complaint alleges that Cooley violated a number of RCRA requirements including, *inter alia*, the storage of hazardous waste without a permit, the failure to keep containers of hazardous waste on good condition, the failure to conduct weekly inspections, the failure to provide proper training of employees, and the failure to properly label hazardous waste containers. The complaint also alleges that Cooley violated the CAA by making certain modifications to its Pawtucket facility without obtaining a permit and by failing to comply with certain recordkeeping requirements relating to its usage of volatile organic compounds. Under the terms of the consent decree, Cooley has agreed to comply with the applicable provisions of RCRA and the CAA, to pay a penalty of \$325,000, and to implement a Supplemental Environmental Project ("SEP") involving a project whereby waste plastics will be used to produce flooring material.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree. Comments should be addressed to Donald G. Frankel, Trial Attorney, Department of Justice, One Gateway Center, Suite 616, Newton, Massachusetts 02458 and should refer to *United States v. Cooley, Inc.*, D.J. Ref. 90-7-1-06423.

The consent decree may be examined at the Office of the United States Attorney, Westminster Square Building, 10 Dorrance Street, Providence, Rhode Island 02903 (contact Michael Iannotti at 401-528-5477), and at U.S. EPA-New England, 1 Congress Street, Suite 1100, Boston, Massachusetts 02114-2023 (contact Hugh Martinez at 617-918-1867). A copy of the 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 faxing a request to Tonia Fleetwood, Fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$15.25

(25 cents per page reproduction cost) payable to the U.S. Treasury.

Ronald G. Gluck,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act ("CAA")

Consistent with the policy set forth in the Department of Justice regulations at 28 CFR 50.7, notice is hereby given that on April 4, 2002, a proposed Consent Decree was lodged with the United States District Court for the Eastern District of Michigan, in *United States et al. v. Rouge Steel Co.*, Civil Action Nos. 00-75452 and 0075454, consolidated. The proposed Consent Decree settles claims asserted by the United States, on behalf of the U.S. Environmental Protection Agency, pursuant to section 113(b) of the Clean Air Act, 42 U.S.C. 9613(b), and the federally enforceable State Implementation Plan ("SIP"), at the Rouge Steel manufacturing facility in Dearborn, Michigan. The United States' case was consolidated with an action filed by Wayne County, Michigan, which the Michigan Department of Environmental Quality ("MDEQ") subsequently joined. The proposed Consent Decree also settles the County and MDEQ CAA claims. The Consent Decree also settles claims asserted by the United States under Sections 3004(n) and 3005 of the Resource Conservation and Recovery Act, 42 U.S.C. 6924(n) and 6925.

The Consent Decree requires Rouge Steel to pay a total of \$458,000 in civil penalties, of which \$396,000 is for alleged violations of SIP emission limits at the company's facility. To ensure ongoing compliance with applicable limits, the Decree also requires Rouge Steel to perform certain demonstration tests at its various emission sources.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be directed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States et al. v. Rouge Steel Co.* DOJ Reference # 90-5-2-1-2211/1.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Michigan, 211 West Fort Street, Suite