

Main Street, Somerset, PA 15501, 814.443.4557.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. Address all statements to: Flight 93 Advisory Commission, 109 West Main Street, Somerset, PA 15501. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 18, 2010.

**Joanne M. Hanley,**

*Superintendent, Flight 93 National Memorial.*

[FR Doc. 2010-7636 Filed 4-2-10; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### **Notice of Availability of the Proposed Notice of Sale (NOS) for Outer Continental Shelf (OCS) Oil and Gas Lease Sale 215 in the Western Planning Area (WPA) in the Gulf of Mexico (GOM)**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of availability of the proposed NOS for proposed Sale 215.

**SUMMARY:** The MMS announces the availability of the proposed NOS for proposed Sale 215 in the WPA. This Notice is published pursuant to 30 CFR 256.29(c) as a matter of information to the public. With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, provides the affected states the opportunity to review the proposed Notice. The proposed Notice sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rentals.

**DATES:** Comments on the size, timing, or location of proposed Sale 215 are due from the affected states within 60 days following their receipt of the proposed Notice. The final NOS will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid

opening is currently scheduled for August 18, 2010.

**SUPPLEMENTARY INFORMATION:** The proposed NOS for Sale 215 and a "Proposed Notice of Sale Package" containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, telephone: (504) 736-2519.

Dated: March 31, 2010.

**S. Elizabeth Birnbaum,**

*Director, Minerals Management Service.*

[FR Doc. 2010-7713 Filed 4-2-10; 8:45 am]

**BILLING CODE 4310-MR-P**

## DEPARTMENT OF JUSTICE

#### **Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**

Notice is hereby given that on March 30, 2010, a Consent Decree in *United States of America v. the Commonwealth of Pennsylvania*, Civil Action No. 10-cv-1382, was lodged with the United States District Court for the Eastern District of Pennsylvania.

The United States filed a complaint concurrently with the settlement agreement in which it asserts claims against the Commonwealth of Pennsylvania pursuant to sections 107 and 113 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9607 and 9613. The claims arise from asbestos contamination at the Valley Forge Asbestos Release Site (the "Site"), located within the Valley Forge National Historical Park in Montgomery County, Pennsylvania. As alleged in the complaint, beginning in the late 1890's, several companies owned and operated an asbestos manufacturing facility on 46 acres within the Site. The Commonwealth operated a State park at the Site adjacent to the manufacturing operations during the time of disposal of asbestos-containing wastes, and the area of the former State park also became contaminated with asbestos-containing wastes. In 1976, the United States purchased the property formerly owned by the asbestos manufacturers, and the Commonwealth of Pennsylvania transferred the former State park to the United States. The United States created the Valley Forge National Historical Park which is now comprised of the former State park and the property the United States acquired from the asbestos

manufacturers. In the complaint, the United States, on behalf of the Department of the Interior and the Environmental Protection Agency, seeks reimbursement of costs incurred and to be incurred to remedy the asbestos contamination at the Site.

The Settlement Agreement resolves the claims of the United States and the potential claims or counterclaims of the Commonwealth of Pennsylvania at the Site. The National Park Service has selected a remedy for the Site and, under the Settlement Agreement, the Commonwealth will pay sixty percent of the cost of implementing the remedy at the Site and the United States will pay forty percent. Specifically, the Settlement Agreement obligates Pennsylvania to pay \$5.2 million to the United States upon entry of the Agreement by the Court. No more than one year after entry of the Agreement, the Commonwealth will set aside \$2 million into a special restricted account which will be used to pay sixty percent of the cost of performance of the remedy at the Site above \$8.66 million up to a maximum of \$12 million. In the event that the costs of the remedy exceed \$12 million, the Agreement provides that the United States will pay \$400,000 of each increment of \$1 million and Pennsylvania will pay \$600,000. The United States as the lead agency at the Site will oversee implementation of the remedy.

The Department of Justice will receive for a period of sixty (60) days from the date of this publication comments relating to this proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Attention: Nancy Flickinger (EES), and should refer to *United States of America v. Commonwealth of Pennsylvania*, Civil Action No. 10-cv-1382 and DOJ #90-11-2-06991/2.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, Suite 1250, Philadelphia, PA 19016. The consent decree also may be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed 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 or e-mailing a request to Tonia Fleetwood

(tonia.fleetwood@usdoj.gov), fax No. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$35.75 (25 cents per page reproduction cost for a full copy) payable to the U.S. Treasury.

**Maureen Katz,**

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

[FR Doc. 2010-7526 Filed 4-2-10; 8:45 am]

BILLING CODE 4410-15-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on March 30, 2010, a proposed Settlement Agreement in the bankruptcy matter, *In re Lyondell Chemical Company, et al.*, Jointly Administered Case No. 09-10023 (REG), was lodged with the United States Bankruptcy Court for the Southern District of New York. The Settlement Agreement relates to alleged environmental liabilities of debtor Lyondell Chemical Company and 93 of its affiliates (collectively, the "Lyondell Debtors").

The Settlement Agreement resolves claims of the Environmental Protection Agency ("EPA") against certain Lyondell Debtors for response costs under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601-9675, with respect to the following sites: (1) The 68th Street Dump Site located in Maryland; (2) the Allied Paper/Portage Creek/Kalamazoo River Site located in Michigan; (3) the Barefoot Disposal Site located in Pennsylvania; (4) the Berks Landfill Site located in Pennsylvania; (5) the Chief Supply Site located in Oklahoma; (6) the Clinton Dock Area Site located in Iowa; (7) the Diamond Alkali/Lower Passaic River Study Area Site located in New Jersey; (8) the French Limited Site located in Texas; (9) the Hegeler Zinc Site located in Illinois; (10) the Malone Service Site located in Texas; (11) the Many Diversified Interests Site located in Texas; (12) the Omega Chemical Corporation Site located in California; and (13) the San Fernando Valley Site located in California.

The Settlement Agreement further settles EPA's claims against certain Lyondell Debtors for: (1) Civil penalties under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901-

6992k, with respect to the Brunswick Facility located in Georgia; (2) civil penalties under the Clean Air Act, 42 U.S.C. 7401-7671q, with respect to the Houston Refinery located in Texas; and (3) stipulated penalties under CERCLA Administrative Orders on Consent with respect to the Allied Paper/Portage Creek/Kalamazoo River Site and the Chief Supply Site.

The Settlement Agreement also resolves claims of the Department of the Interior ("DOI") and the National Oceanic and Atmospheric Administration ("NOAA") against certain Lyondell Debtors for natural resource damages and related assessment costs with respect to the following sites: (1) The Allied Paper/Portage Creek/Kalamazoo River Site; (2) the Diamond Alkali/Lower Passaic River Study Area Site; and (3) the Hegeler Zinc Site.

Under the Settlement Agreement, EPA, DOI, and NOAA collectively will receive allowed general unsecured claims in the bankruptcy totaling \$1,135,895,990.

The United States will also receive a cash payment of \$53,628,150, which will be applied to the following six sites: (1) The 68th Street Dump Site; (2) the Allied Paper/Portage Creek/Kalamazoo River Site; (3) the Barefoot Disposal Site; (4) the Berks Landfill Site; (5) the Diamond Alkali/Lower Passaic River Study Area Site; and (6) the French Limited Site.

Pursuant to the Settlement Agreement, the United States may seek to recover response costs and natural resource damages with respect to approximately 380 additional non-debtor-owned sites, and such costs and damages will be treated as general unsecured claims under the Lyondell Debtors' Plan of Reorganization. The United States may pursue injunctive relief against the Lyondell Debtors under RCRA Section 7003 with respect to nine of the approximately 380 sites, but may not otherwise seek injunctive relief under CERCLA Section 106 or RCRA Section 7003 against the Lyondell Debtors with respect to those sites.

Finally, pursuant to the Settlement Agreement and a Custodial Trust Agreement, certain Lyondell Debtors will transfer title to nine debtor-owned real properties to a custodial trust and contribute approximately \$108.4 million to the trust to fund cleanups of these properties and administrative expenses of the trust. The nine custodial trust properties are: (1) The Allied Paper Mill located in Michigan; (2) the Beaver Valley property located in Pennsylvania; (3) the Bully Hill Mine located in California; (4) the Charlotte

property located in North Carolina; (5) the Excelsior Mine located in California; (6) the Gypsum Pile property located in Illinois; (7) the Rising Star Mine located in California; (8) the Saint Helena property located in Maryland; and (9) the Turtle Bayou property located in Texas.

The Department of Justice will receive, for a period of fifteen days from the date of this publication, comments relating to the Settlement Agreement. To be considered, comments must be received by the Department of Justice by the date that is fifteen days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcommentees.enrd@usdoj.gov](mailto:pubcommentees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re Lyondell Chemical Company, et al.*, D.J. Ref. 90-5-2-1-2132/3. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The Settlement Agreement and the Custodial Trust Agreement may be examined at the Office of the United States Attorney, 86 Chambers Street, 3rd Floor, New York, New York 10007, and at the U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. During the public comment period, the Settlement Agreement and the Custodial Trust Agreement may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). Copies of the Settlement Agreement and the Custodial Trust Agreement 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 or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax No. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$55.00 (with exhibits) or \$29.75 (without exhibits) (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, please forward a check in that amount to the