

Under the proposed consent decree, the Defendants will perform the remedy selected in a Record of Decision that EPA issued for the Site on September 28, 2000. The remedy includes restricting access to and development of certain portions of the Site; maintaining the existing groundwater treatment system; maintaining institutional controls; and monitoring the natural attenuation that is taking place. Defendant A.O. Smith also agrees to pay all future response costs at the Site. Under a prior Consent Decree, the Defendants already had paid all 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 of the Environment and Natural Resource Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. A.O. Smith Corp., et al.*, Civil Action No. 1:02-CV-0168 (W.D. Mich.) and DOJ Reference No. 90-11-2-476/1.

The proposed consent decree may be examined at: (1) the Office of the United States Attorney for the Western District of Michigan, 330 Ionia Ave., NW., Grand Rapids, MI 49503; and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Copies of the proposed consent decree may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting copies from the Consent Decree Library, please refer to the above-referenced case and DOJ Reference Number 90-11-2-476/1 and enclose a check for \$81.00 (324 pages at 25 cents per page reproduction cost) made payable to the Consent Decree Library.

William D. Brighton,

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 Comprehensive Environmental Response Compensation and Liability Act ("CERCLA")

Consistent with Departmental policy, 28 CFR 50.7, 38 FR 19029, and 42 U.S.C. 9622(d), notice is hereby given that a proposed consent decree in *United*

States v. Jane Doe, as Executrix of the Estate of Edmund Barbera, et al., 96 Civ. 8563 (BSJ), was lodged on February 20, 2002, with the United States District Court for the Southern District of New York. The Consent Decree addresses the hazardous waste contamination at the Port Refinery Superfund Site (the "Site"), located in the Village of Rye Brook, Westchester County, New York. The Consent Decree requires four generators of hazardous substances transported to the Site to pay to the United States a total of \$415,500.

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. Jane Doe, as Executrix of the Estate of Edmund Barbera, et al.*, DOJ Ref. #90-11-3-1142A.

The proposed consent decree may be examined at the office of the United States Attorney for the Southern District of New York, 33 Whitehall Street, New York, New York (contact Assistant United States Attorney Kathy S. Marks); and the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York, 10007-1866 (contact Assistant Regional Counsel Michael Mintzer). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044-7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$12.00 (25 cents per page reproduction costs) for the Consent Decree, payable to the Consent Decree Library.

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: Natural Resource Damages Under the Oil Pollution Act of 1990

Notice is hereby given that on March 18, 2002, a proposed Consent Decree: Natural Resource Damages ("Decree") in *United States and State of Alaska v. Kuroshima Shipping, S.A. and Unique Trading Co., Ltd.*, Civil Action No. A02-0057 (JWS) was lodged with the United

States District Court for the District of Alaska.

In this action brought pursuant to section 1002(b)(2)(A) of the Oil Pollution Act of 1990, 33 U.S.C. 2702(b)(2)(A), the United States and that State of Alaska sought natural resource damages, including and subsequent discharge of oil from the M/V Kuroshima in the area of Summer Bay, Unalaska Island, Alaska ("the Kuroshima Spill"). The defendants are the owner and operator of the vessel at the time of the incident. The federal and state natural trustees in consultation with Qawalangin Tribe of Unalaska conducted an assessment of damage to natural resources and loss of use of natural resources occasioned by the Kuroshima Spill and have proposed a plan for restoring these natural resources and the loss of their use by the public. That plan appears as Appendix A to the Decree. The proposed Decree provides that defendants shall pay \$644,017 to the natural resource trustees for their conduct of the restoration plan and place another \$9,000 in the registry of the Court until the natural resource trustees determine whether the amount is necessary for the field component of the restoration plan aimed at restoring vegetation. The proposed Decree requires that the defendants reimburse the natural resources trustees \$66,158.09 for damage assessment costs. In exchange for these payments, the United States and the State of Alaska covenant not to sue the defendants for natural resource damages arising from the Kuroshima Spill.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice and sent to 801 B Street, Suite 504, Anchorage, Alaska 99501-3657. Comments should refer to *United States v. Kuroshima Shipping, S.A. et al.*, D.J. Ref. #90-5-1-1-06147.

The Decree may be examined at the above address by contacting Lorraine Carter (907-271-5452). A copy of the Decree (minus Appendix A) may be obtained by contacting Ms. Carter in writing at the address above. In requesting a copy, please enclose a check in the amount of \$5.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. A copy of Appendix A may be obtained during the comment period from the National Oceanic and Atmospheric Administration by contacting Doug Helton at 206-526-4563 or at Doug.Helton@noaa.gov.