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 $67.25 (includes attachments), or $28,25, without attachments (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Maher,**

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

[FR Doc. 03–10084 Filed 4–23–03; 8:45 am]

**BILLING CODE 4410–15–M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

Under 28 CFR 50.7, notice is hereby given that on April 2, 2003, a proposed Consent Decree (''Decree'') in the consolidated cases of *United States* v. *CHS Holding Corp.,* Civil Action No. 1994/0126 (STX–F), and *Berlex Laboratories, Inc.* v. *Cooper Holdings, Inc.,* Civil Action No. 1988/194, was lodged with the United States District Court for the District of the Virgin Islands.

In this action, the United States sought reimbursement of response costs incurred by the United States Environmental Protection Agency (''EPA'') in connection with clean up activities at the Island Chemical Superfund Site (''Site'') located in St. Croix, U.S. Virgin Islands. The proposed Decree will resolve the United States' claims under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9601 *et seq.,* on behalf of the EPA against settling defendant CHS Holding Corporation (''CHS'') relating to the Site. The settling defendant is alleged to be liable under section 107(a)(2) of CERCLA as the owner of the Site. The Decree provides that the settling defendant shall make all good faith efforts to sell the Site property and shall pay to the United States 100% of the net proceeds from the sale of the Site property.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *CHS Holding Corp.,* D.J. Ref. No. 90–11–2–954.

The Decree may be examined at the Office of the United States Attorney, District of the United States Virgin Islands, 1108 King Street, Suite 201, Christiansted, St. Croix, U.S. Virgin Islands 00820, and at the U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007–1866. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, *http://usdoj.gov/enrd/open.html.* A copy of the 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 $7.25 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Ronald Gluck,**

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

[FR Doc. 03–10080 Filed 4–23–03; 8:45 am]

**BILLING CODE 4410–15–M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation and Liability Act and Chapter 11 of the United States Bankruptcy Code

Notice is hereby given that on April 11, 2003, a proposed Settlement Agreement (''Agreement'') in *In re* Kmart Corp., *et al.*, Case No. 02–02474, was lodged with the United States Bankruptcy Court for the Northern District of Illinois, Eastern Division. The Agreement is between Kmart Corporation and its affiliated debtors and debtors-in-possession (collectively, the ''Debtors'') and the United States, on behalf of the United States Environmental Protection Agency (''EPA''), the United States Department of the Interior, and the National Oceanic and Atmospheric Administration of the United States Department of Commerce. The Agreement relates to liabilities of the Debtors under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

Under the Agreement, the United States, on behalf of EPA, would receive:

- Allowed secured claims totaling $579,151 for the following five sites: The Beede Waste Oil site (Plaistow, New Hampshire); the Florida Petroleum Reprocessors site (Davie, Florida); the Hows Corner site (Plymouth, Maine); the Jack Goins site (Cleveland, Tennessee); and the Lenz Oil Services site (DuPage County, Illinois);
- Allowed unsecured claims totaling $171,744 for the following five sites: The Arkwright Dump site (Spartanburg, South Carolina); the Bill Johns Waste Oil site (Jacksonville, Florida) (with respect to response costs incurred before November 21, 2001); the Delatte Metals site (Ponchatoula, Louisiana); the Operating Industries, Inc. Landfill site (Monterey Park, California); and the Tulalip Landfill (Marysville, Washington); and
- A right to seek cost recovery in the future in connection with Operable Unit 2 of the Peterson Puritan site (Cumberland, Rhode Island), with up to $506,500 of such cost recovery payable as an allowed secured claim and any amount over that payable as an allowed unsecured claim.

The Agreement further provides as follows:

- For Debtor-owned sites, environmental claims and actions by the United States are not discharged;
- For the following nine sites, environmental claims by the United States are discharged, to the extent the claims arise from the Debtors' conduct before the bankruptcy action: Adkins Branch Tire Dump (Putnam County, West Virginia); the Bufkin Store Lead site (Tabor City, North Carolina); the Chadbourn Battery site (Chadbourn, North Carolina); the Guyton Battery site (Chadbourn, North Carolina); the Jimmy Green Metals site (Nashville, North Carolina); the Odum Bufkin Battery site (Green Sea, South Carolina); the Old Stake Road Lead site (Chadbourn, North Carolina); the Petroleum Conservation, site (a/k/a the U.S. Oil, Two Rivers site) (Two Rivers, Wisconsin); and the Vinegar Hill Battery site (a/k/a the Williams store site) (Tabor City, North Carolina); and
- For all other sites, the United States may not issue or seek environmental orders based on the Debtors' conduct before the bankruptcy action, but may recover response costs and natural resource damages based on such conduct, as if the United States' claims had been allowed unsecured claims under the Debtors' reorganization plan.

For a period of 30 days from the date of this publication, the Department of Justice will receive comments relating to the Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044, and should refer to *In re* Kmart Corp., *et al.*, Case No. 02–02474, D.J. Ref. No. 90–11–2–07845.

The Agreement may be examined at the Office of the United States Attorney, 219 South Dearborn Street, Suite 2001, Chicago, Illinois 60604, and at the United States Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. During the public comment period, the Agreement may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* A copy of the Agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (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 $7.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**William Brighton,**

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

[FR Doc. 03–10085 Filed 4–23–03; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Under 28 CFR 50.7, notice is hereby given that on April 10, 2003, a proposed Consent Decree in *United States and State of Missouri* v. *Newton County, Missouri,* Civil Action No. 3:03–cv–05038–RED was lodged with the United States District Court for the Western District of Missouri.

In this action the United States asserted a claim under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9607(a), for recovery of response costs incurred by the United States at the Newton County Superfund Site in Missouri. The State of Missouri also asserted a claim for recovery of response costs under section 107(a) of CERCLA. Defendant Newton County is a current owner of an approximately 30 acre parcel of property contaminated with mine waste near Granby, Missouri within the Site.

Under the terms of the proposed Consent Decree settling the claims asserted in the Complaint, Newton County will allow its parcel of property near Granby to be used for disposal of contaminated materials removed from other portions of the Site. The contaminated materials will be disposed of in a Repository approximately 10 acres in size. The County agrees to finance and perform all Operation and Maintenance activities for the Repository as specified in an appendix to the Decree. The Decree also requires the County to execute and record a restrictive covenant, running with the land, that will prohibit activities that might disturb the cap as well as construction of facilities for which the remedy would be insufficiently protective. In return for the commitments by Newton County, the United States and the State grant Newton County a covenant not to sue under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and State law for response costs relating to the Newton County Mine Tailings Superfund Site.

The Department of Justice will receive for a period of 30 days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States and State of Missouri* v. *Newton County, Missouri,* D.J. Ref. No. 90–11–2–07088.

The Consent Decree may be examined at the Office of the United States Attorney, Charles E. Whittaker Courthouse, 400 E. 9th Street, 5th Floor, Kansas City, Missouri 64106, and at U.S. EPA Region VII, 901 North Fifth Street, Kansas City, Kansas 66025. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/open.html.* 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 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 $14.75 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert Maher,**

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

[FR Doc. 03–10082 Filed 4–23–03; 8:45 am]

BILLING CODE 4410–15–M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA'')

Under 28 CFR 50.7, notice is hereby given that on April 15, 2003, a proposed consent decree in *United States* v. *Quemetco Metals Limited, Inc., et al.,* Civil Action No. 3–01CV0924–D has been lodged with the United States District Court for the Northern District of Texas, Dallas Division. The consent decree settles an action brought under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9607, for reimbursement of response costs incurred and to be incurred by the United States in responding to releases and threats of releases of hazardous substances from the RSR Corporation Superfund Site located in Dallas, Texas. Under the terms of the Consent Decree, Quemetco Metals Limited, Inc., Quemetco, Inc., and RSR Corporation (''Settling Defendants'') have agreed to perform work at the Site valued at $11.6 million and to reimburse response costs incurred by the United States in the amount of $13.25 million and by the State of Texas in the amount of $870,000.

For a period of 30 days from the date of this publication, the Department of Justice will receive written comments relating to the proposed consent decree from persons who are not parties to the action. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Quemetco Metals Limited, Inc.,* et al., DOJ #90–11–3–1613/3.

The proposed consent decree may be examined at the offices of the United States Attorney for the Northern District of Texas, Dallas Division, 1100 Commerce St., Third Floor, Dallas, Texas 75242, and at the office of the United States Environmental Protection Agency, Region VI, 1445 Ross Avenue, Dallas, Texas 75202 (Attention: Mike