

consent decree with The Procter & Gamble Cellulose Corporation includes a covenant not to sue by the United States under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, and under Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6973.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the two proposed consent decrees. With respect to the consent decree with The Procter & Gamble Cellulose Corporation, commenters may request an opportunity for a public meeting in the affected area, in accordance with section 7003(d) of RCRA. 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 the *United States v. Velsicol Chemical Corporation, et al.*, DOJ Ref. #90-11-2-629A.

The proposed consent decrees may be examined at the office of the United States Attorney, Western district of Tennessee, 1026 Federal Office Building, 167 N. Main Street, Memphis, Tennessee 38103; the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; and at the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW., 4th Floor, Washington, DC 20005. In requesting copies please refer to the referenced case and enclose a check in the amount of \$9.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

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

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Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

Notice is hereby given that on July 19, 1995, a proposed Consent Decree in *United States v. Alaskan Battery Enterprises, Inc.*, Civil Action No. A92-606 (D. Alaska), was lodged with the United States District Court for the District of Alaska. This Consent Decree

resolves the United States' claims in this action against K & K Recycling, Inc. regarding its liability under sections 107(a) and 113(g) of CERCLA, 42 U.S.C. 9607(a) and 9613(g), for response costs incurred by the United States in connection with the Alaskan Battery Enterprises Superfund Site in Fairbanks, Alaska. The Decree also resolves the liability of the Defense Reutilization and Marketing Service ("DRMS") and the Army & Air Force Exchange Service ("AAFES"), counterclaim defendants in this matter.

The Decree requires, *inter alia*, that K & K Recycling, Inc. reimburse the United States' response costs in the amount of \$100,000 plus interest through the date of payment. The DRMS and AAFES are required under this Decree to reimburse the United States' response costs in the amounts \$1,169,528.00 and \$636,671.00 plus prejudgment interest from May 1, 1994 through the date of payment, respectively. K & K Recycling, Inc. is obligated, ten days after entry of the Decree, to stipulate to the dismissal with prejudice of its counterclaims against the United States; the United States is obligated, ten days after all payments have been received, to dismiss its claims against K & K Recycling, Inc. with prejudice. The Decree provides to K & K Recycling, Inc., DRMS, and AAFES the contribution protection afforded by section 113(f)(2) of CERCLA, 42 U.S.C. 9613(f)(2). The Decree also contains a reopener that permits the United States, in certain situations, to institute additional proceedings to require that these defendants perform further response actions or to reimburse the United States for additional costs of response.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Alaskan Battery Enterprises, Inc.*, D.J. No. 90-11-3-726A.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the District of Alaska, Room 253, Federal Building and U.S. Courthouse, 222 West Seventh Avenue, Anchorage, Alaska 99513-7567; the Region 10 Office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; and at the Consent Decree Library, 1120 G Street NW, 4th Floor,

Washington, DC 20005 (Tel: 202-624-0892). A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street NW, 4th Floor, Washington, DC 20005. In requesting a copy, please enclose a check in the amount of \$6.50 (25 cents per page reproduction cost) payable to Consent Decree Library.

Bruce Gelber,

Acting Chief, Environmental Enforcement Section, Environment & Natural Resources Division.

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Lodging of Consent Decree Pursuant to CERCLA

Notice is hereby given that a proposed consent decree in *United States v. City of Marianna, Florida*, Case No. 94-50092/RV was lodged on August 9, 1995, with the United States District Court for the Northern District of Florida, Panama City Division. The consent decree settles a claim for reimbursement of response costs brought against the City of Marianna under section 107(a) of the Comprehensive Environmental Response, Compensation, and Recovery Act of 1980, as amended, 42 U.S.C. 9607(a), in response to the release or threatened release of hazardous substances into the environment from a three-acre facility located at the City of Marianna Municipal Airport Industrial Park, and counterclaims brought by the City of Marianna, Florida against the United States. Under the consent decree, the City of Marianna agrees to reimburse the United States \$500,000 plus interest within three years of the date on which the consent decree is entered by the Court and the defendants agree to dismiss the counterclaims.

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. City of Marianna, Florida*, DOJ Ref. #90-11-3-774.

The proposed consent decree may be examined at the office of the United States Attorney, Northern District of Florida, Panama City Division, 114 East Gregory Street, Pensacola, Florida 32501; the Region IV Office of the United States Environmental Protection Agency, 345 Courtland Street, NE