

America, Inc. ("PFA") is jointly and severally liable, under Section 107 of CERCLA, 42 U.S.C. 9607, for the United States' environmental response costs related to the Site. A Third-Party Complaint by PFA alleges that BNY is liable for Site-related response costs under Section 113(f) of CERCLA, 42 U.S.C. 9613(f).

Pursuant to the Consent Decree, the settling defendant agrees to pay the United States \$71,250, plus interest accruing from November 15, 2001 through the date of payment, in reimbursement of response costs incurred by the United States in connection with the Site.

For a period of thirty (30) days after the date of publication of this Notice, the United States Department of Justice will receive comments relating to the proposed Consent Decree. Any comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should include references to the case name, *United States v. Ponderosa Fibres of America, Inc., et al.*, Civil Action No. 99-CV-1305, and to the Department of Justice case number, "DJ #90-11-2-1223."

The proposed Consent Decree may be examined at the offices of the United States Attorney, Northern District of New York, James T. Foley Courthouse, 445 Broadway, Albany, New York 12207, and at the offices of the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. With any request for a copy of the Consent Decree, please enclose a check in the amount of \$4.75 (\$0.25 per page) payable to the "Consent Decree Library."

Ronald Gluck,

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

[FR Doc. 01-28359 Filed 11-9-01; 8:45 am]

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DEPARTMENT OF JUSTICE

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

Notice is hereby given that a proposed consent order in *United States v. Southwire Company*, Civil No. 4:01CV-182-M, was lodged on October 24, 2001, with the United States District Court for the Western District of Kentucky,

Owensboro Division ("Southwire Decree"). The proposed Consent Decree would resolve certain claims under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9606 and 9607, as amended, to recover response costs incurred by the Environmental Protection Agency in connection with the release of hazardous substances at the National Southwire Aluminum Superfund Site ("the Site") in Hawesville, Hancock County, Kentucky. The United States alleges that Southwire Company ("Settling Defendant"), is liable as a person who owned and operated the Site at the time of the release or threatened release of a hazardous substances. Under the proposed Consent Decree, Settling Defendant will perform the remedy for the Site set forth in the Environmental Protection Agency's July 6, 2000 Record of Decision, pay one hundred percent of past response costs in the amount of \$326,520.83, and pay one hundred percent of future site costs that the Environmental Protection Agency may incur.

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, P.O. Box 7611, Washington, DC 20530, and should refer to *United States v. Southwire Company*, W.D. KY, Civil No. 4:01 CV-182-M, DOJ Ref #90-11-3-1148/1.

The Consent Decree may be examined at the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, Atlanta, GA 30303 and at the United States Attorney's Office for the Western District of Kentucky, 510 West Broadway, 10th Floor, Louisville, KY 40202, c/o Candace Hill, Civil Chief, United States Attorney's Office. A copy of the proposed Consent Decree (without attachments) may be obtained by mail from the Consent Decree Library, Post Office Box 7611, Washington, DC 20044. In requesting copies please refer to the referenced case and enclose a check in the amount of \$10.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Ellen Mahan,

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

[FR Doc. 01-28366 Filed 11-9-01; 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

Notice is hereby given that on October 25, 2001, a proposed Consent Decree ("Decree") in *United States v. W.R. Grace & Co., et al.*, Civil No. 00-167-M-DWM was lodged with the United States District Court for the District of Montana. The United States filed this action pursuant to section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9604(e), for entry and access to portions of the Libby Asbestos Site in and near Libby, Montana and for civil penalties for failure to provide access.

The terms of the proposed Decree would allow the United States a general unsecured claim jointly against Defendants W.R. Grace & Company and Kootenai Development Corporation in the amount of \$71,000 in the Bankruptcy Case captioned *In re: W.R. Grace & Co., et al.*, Case No. 01-01139 (JFF) (D. Del.). In addition, W.R. Grace & Co.-Conn would undertake a Supplemental Environmental Project at a cost of \$2,750,000 to form and fund a Montana non-profit corporation to establish and administer a program to pay for medical care for certain asbestos-related illnesses. This general unsecured claim together with W.R. Grace & Co.-Conn.'s performance of the Supplemental Environmental Project will resolve the claims of the United States against W.R. Grace & Company and Kootenai Development Corporation in Civil No. 00-167-M-DWM.

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, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to, *United States v. W.R. Grace & Co., et al.*, Civil No. 00-167-M-DWM, and D.J. Ref. # 90-11-2-07106/1.

The Decree may be examined at the office of the U.S. Department of Justice, Environmental Enforcement Section, 999 18th Street, Suite 945, North Tower, Denver, Colorado; at U.S. EPA Region 8, Office of Regional Counsel, 999 18th Street, Suite 300, South Tower, Denver, Colorado. 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. In requesting a copy,