

following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/documents/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf)). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000 or <http://www.usitc.gov/secretary/edis.htm>).

Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In its request letter, the Committee stated that it intends to make the Commission's reports available to the public in their entirety, and asked that the Commission not include any confidential business information or national security classified information in the reports that the Commission sends to the Committee. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

Issued: June 21, 2007.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

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

Notice is hereby given that on June 15, 2007, a proposed Consent Decree in *United States v. Beehive Barrel and Drum, Inc. d/b/a Cascade Cooperaage, Inc.* (D. Utah), C.A. No. 2:04-CV-00570

(TC), was lodged with the United States District Court for the District of Utah, Central Division.

In this action, the United States seeks response costs incurred and to be incurred by the Environmental Protection Agency ("EPA"), pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9607, in connection with the Service First Barrel and Drum Site, located in Salt Lake City, Utah. The United States also seeks punitive damages for non-compliance with a unilateral administrative order issued to the Estate of Stanley Pope and Stanco Enterprises, L.C. pursuant to Sections 106(b) and 107(c)(3) of CERCLA, 42 U.S.C. 9606(b), 9607(c)(3), and civil penalties for Bryan Pope's and S.R.P. Gifting Trust's failure to answer EPA's information requests pursuant to Section 104(e) of CERCLA, 42 U.S.C. 9604(e). Defendants Estate of Stanley Pope, Bryan Pope, S.R.P. Gifting Trust and Stanco Enterprises have resolved the United States' response cost claims, punitive damages claims and civil penalties claims through this Consent Decree.

The settlement is based on a documented inability-to-pay analysis. Based upon the analysis, EPA determined that the Rossomondo Defendants had the financial ability to pay the proceeds from a sale of the Diatlect Stock owned by the Estate to reimburse EPA for the EPA's response costs that were incurred in connection with the clean-up of the Site. Defendants Estate of Stanley Pope and Stanco Enterprises, L.C. will pay \$2,500 in punitive damages to settle their liability for failure to comply with a unilateral order. Defendants Bryan Pope and S.R.P. Gifting Trust will pay \$7,500 in civil penalties for failure to respond to EPA's information requests.

The Department of Justice will receive, for a period of 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, 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, and should refer to *United States v. Beehive Barrel and Drum, Inc. d/b/a Cascade Cooperaage, Inc.*, DOJ Ref. No. 90-11-3-08170.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 185 South State, Ste. 400, Salt Lake City, Utah 84111; and U.S. EPA Region 8, 1595 Wynkoop

Street, Denver, Colorado 80202. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decree.html](http://www.usdoj.gov/enrd/Consent_Decree.html). A copy of the proposed Consent Decree may 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 number (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy of the Consent Decree from the Consent Decree Library, please enclose a check in the amount of \$6.75 (25 cents per page reproduction costs), payable to the U.S. Treasury.

**Robert D. Brook,**

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

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Between the United States of America and the City of New Haven, MO Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Under 28 CFR 50.7, notice is hereby given that on June 15, 2007, a proposed Consent Decree (Consent Decree) with Defendant the City of New Haven, Missouri (New Haven) in the case of *United States v. the City of New Haven, Missouri*, Civil Action No. 4:06CV01429-ERW, has been lodged in the United States District Court for the Eastern District of Missouri.

This Consent Decree resolves the United States' claims against New Haven under Section 107 of CERCLA, 42 U.S.C. 9607, for the recovery of response costs incurred by the United States in connection with releases of hazardous substances at or from the Old City Dump Site, operable unit three of the Riverfront Superfund Site, located in New Haven (OU3). Under the decree, New Haven agrees to implement the remedy selected by the United States Environmental Protection Agency (EPA) for OU3 and pay \$19,500 of EPA's response costs for OU3, based on New Haven's limited ability to pay. Pursuant to the decree, the United States covenants not to sue or take administrative action against New Haven for OU3, as well as for operable