



## NOTICE

### DEPARTMENT OF JUSTICE

#### NOTICE OF FILING OF PROPOSED SETTLEMENT AGREEMENT UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT AND THE RESOURCE CONSERVATION AND RECOVERY ACT

On December 1, 2015, a proposed Settlement Agreement was filed with the United States Bankruptcy Court for the District of Delaware in the bankruptcy proceeding entitled *In re Energy Future Holdings Corp., et al.*, Case No. 14-10979 (CSS).

The Settlement Agreement resolves a claim against debtor Energy Future Competitive Holdings Company (“EFCH”), as the alleged corporate successor to former mine operators, asserted by the United States on behalf of the Environmental Protection Agency (“EPA”) under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601–9675 (“CERCLA”). The claim sought to recover costs incurred and expected to be incurred in the future by the United States in response to releases and threats of releases of hazardous substances at or in connection with the Faith, Hope, Doris, and Isabella Uranium Mine Sites, located in McKinley County, New Mexico (“New Mexico Sites”).

Under the Settlement Agreement, EPA will receive either (1) a distribution of \$2,000,000 upon confirmation and consummation of EFCH’s and other affiliated debtors’ Sixth Amended Joint Plan of Reorganization of *In re Energy Future Holdings Corp., et al.*, pursuant to Chapter 11 of the Bankruptcy Code, or (2) \$1,000,000 on the effective date of an alternate restructuring approved by the Bankruptcy Court. The Settlement Agreement contains covenants not to sue by the United States on behalf of EPA in favor of the debtors, the reorganized debtors, or any successors in interest under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606, 9607 and

Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973, with respect to the EPA claim or the New Mexico Sites.

The publication of this notice opens a period for public comment on the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re Energy Future Holdings Corp., et al.*, Case No. 14-10979 (CSS), D.J. Ref. No. 90-5-2-1-09894/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by e-mail or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail	pubcomment-ees.enrd@usdoj.gov
By mail	Assistant Attorney General U.S. DOJ – ENRD P.O. Box 7611 Washington, D.C. 20044-7611

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to:

Consent Decree Library  
U.S. DOJ – ENRD  
P.O. Box 7611  
Washington, D.C. 20044-7611

Please enclose a check or money order for \$13.50 (25 cents per page reproduction cost)  
payable to the United States Treasury.

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