

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

_____	)	
In the Matter of:	)	
	)	
Briggs & Stratton Corp.	)	CERCLA § 106(b) Petition
Peach Metal Industries Site	)	No. 95-3
	)	
_____	)	

**ORDER GRANTING MOTION TO WITHDRAW PETITION FOR REIMBURSEMENT**

Petitioners in the above-captioned matter, Briggs & Stratton Corp., have submitted a motion to withdraw their petition for reimbursement with prejudice. See Motion to Withdraw, With Prejudice, CERCLA § 106(b) Petition for Reimbursement No. 95-3 ("Motion") (Jan. 5, 2000). The Motion states, in part:

On September 30, 1999, the EPA and Briggs & Stratton entered into Agreement for Recovery of Past Response Costs, U.S. EPA Region 4 CERCLA Docket Number 99-40-C (the "Agreement"). By letter dated December 28, 1999 (the "Effective Date"), EPA notified Briggs & Stratton that the period for public comment on the Agreement had expired and that none of the comments required modifications or withdrawal of the Agreement. Pursuant to the Agreement, Briggs & Stratton agreed to submit a request to withdraw, with prejudice, CERCLA § 106(b) Petition for Reimbursement No. 95-3, within fourteen (14) days of the Effective Date.

Motion at 1.

For good cause shown, the Motion is granted and the Board's file on the above-captioned petition for reimbursement will now be closed.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: January 11, 2000

By: \_\_\_\_\_/s/  
Kathie A. Stein  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Order Granting Motion to Withdraw Petition for Reimbursement in the matter of Briggs & Stratton Corp., Peach Metal Industries Site, CERCLA § 106(b) Petition No. 95-3, were sent to the following persons in the manner indicated:

First Class Mail,  
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Dated: January 11, 2000

\_\_\_\_\_/s/\_\_\_\_\_  
Annette Duncan  
Secretary