

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") for Settlement of Response Costs and Performance of Response Actions at Tongass National Forest Sites**

Pursuant to 28 CFR 50.7, notice is hereby given that on May 20, 2004, a Consent Decree *United States v. Ketchikan Pulp Company*, Docket No. A04-0104 CV (JKS) was lodged with the United States District Court for the District of Alaska.

In this action brought pursuant to section 107 and 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA", 42 U.S.C. 9607 and 9613, the United States is seeking: (1) reimbursement of response costs incurred and to be incurred for actions to clean up hazardous substances at six sites in the Tongass National Forest where Ketchikan Pulp Company ("KPC") previously conducted logging and associated operations under a long-term timber sale contract ("Contract") with the United States Department of Agriculture, Forest Service ("Forest Service"); and (2) declaratory relief that KPC will be liable for any future response costs incurred by the United States with respect to those sites. In addition, the United States is seeking, pursuant to AS 46.03.822(a), recovery of damages incurred in connection with the cleanup of petroleum contamination at an additional sixteen sites formerly operated by KPC in the Tongass National Forest.

The Consent Decree requires KPC to complete cleanup work at three sites—East Twelve Mile, Ratz Harbor, and Francis Cove—under CERCLA administrative orders on consent previously issued by the Forest Service and to perform an additional removal action at the Naukati Site. The Decree also requires the Forest Service to undertake operation, maintenance, and monitoring activities selected by the Forest Service in the Thorne Bay Landfills Site Action Memorandum dated February 9, 2004, as supplemented on March 5, 2004, and any additional activities selected in that Action Memorandum to address the seeps containing iron and manganese identified in the Action Memorandum. The parties agreed in the Decree to a 50%–50% allocation of any future response costs incurred at the Thorne Bay Landfills Site as a result of new information or unknown conditions.

The Decree includes reciprocal covenants not to sue for response and removal costs pertaining to twenty-three former logging facilities and the Connell Dam Site without payment by either side, subject to a "reopener" for unknown conditions or information which indicate that the response actions taken are not protective of human health and the environment. Finally, the Decree binds KPC's parent, Louisiana-Pacific Corporation, to guarantee performance of KPC's obligations arising out of the rights the United States has reserved under the Decree, including those arising out of unknown conditions or new information through December 31, 2013, or, at the Thorne Bay Landfills Site, through December 31, 2030.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice and sent to 801 B Street, Suite 504, Anchorage, Alaska 99501-3657. Comments should refer to *United States v. Ketchikan Pulp Company*, D.J. Ref. #90-7-1-1-06974. During the public comment period, the Consent Decree may be examined during business hours at the same address by contacting Lorraine Carter (907-271-5452) or on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. The Consent Decree may also be examined at the Office of Aviation and Engineering Management, United States Department of Agriculture, Juneau, Alaska 99802, by contacting Deputy Director Ken Vaughan (907-586-8789). A copy of the 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 no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy by mail, please enclose a check in the amount of \$8.00 (25 cents per page reproduction cost) payable to the U.S. Treasury. This amount does not include costs for reproduction of any of the seven appendices of the Consent Decree (identified on page 34). If you would like any of the appendices, please identify which one(s) and you will be

contacted regarding the additional charge.

**William D. Brighton,**

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

[FR Doc. 04-13043 Filed 6-8-04; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Settlement Agreement in *in re Philip Services Corporation* Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

Notice is hereby given that on May 28, 2004, a proposed Settlement Agreement was lodged with the United States Bankruptcy Court for the Southern District of Texas in *In re Philip Services Corporation, et al.*, Case No. 03-37718-H2-11. The Settlement Agreement between the United States on behalf of the Environmental Protection Agency ("EPA") and Debtor Philip Services Corporation and its affiliated Debtors resolves CERCLA claims against the Debtors for the following six hazardous waste sites: Consolidated Iron Site in Newburgh, NY; Breslube-Penn Site in Corapolis, PA; Spectron Site in Elkton, MD; Modena Yard Site in Chester County, PA; Malone Services Site in Texas City, TX; and Casmalia Site in Santa Barbara, CA. Under the Settlement Agreement, EPA will have an allowed bankruptcy claim in the total amount of \$16,738,601.

The Department of Justice will receive comments relating to the Settlement Agreement for a period of thirty (30) days from the date of this publication. 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 *In re Philip Services Corporation, et al.*, DJ Ref. No. 90-11-3-06852/1.

The Settlement Agreement may be examined at the Office of the United States Attorney for the Southern District of Texas, 910 Travis, Suite 1500, Houston, Texas by request to Assistant U.S. Attorney Judy A. Robbins, and at the United States Environmental Protection Agency, 401 M Street, SW., Washington, DC. 20460. During the public comment period, the Settlement Agreement may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Settlement Agreement may also 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 no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$3.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Bruce S. Gelber,**

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

[FR Doc. 04-13045 Filed 6-8-04; 8:45 am]

**BILLING CODE 4410-15-M**

## NATIONAL SCIENCE FOUNDATION

### EarthScope Science and Education Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* EarthScope Science and Education Advisory Committee (#16638).

*Dates/Time:* 9 a.m.-9:30 p.m. Monday-Wednesday, June 21-23, 2004 8:30 a.m.-5 p.m. Thursday, June 24, 2004.

*Place:* Granlibakken Conf. Center, 725 Granlibakken Rd., Tahoe City, CA 96145.

*Type of Meeting:* Open.

*Contact Person:* Dr. James H. Whitcomb, Division of Earth Sciences, National Science Foundation, Suite 785, 4201 Wilson Boulevard, Arlington, VA 22230, Phone (703) 292-8553.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To carry out EarthScope proposal and management review, and to provide advice, recommendations, and oversight concerning EarthScope construction, operation, science and education support.

*Agenda:* June 21-23, 2004 9 a.m.-9:30 p.m.—Review the Project Execution Plan, program and facility management, installation technical plans, science plans, and progress reports of EarthScope. June 24, 2004 8 a.m.-5 p.m.—Visit potential EarthScope installation sites.

Dated: June 4, 2004.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 04-13039 Filed 6-8-04; 8:45 am]

**BILLING CODE 7555-01-M**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263]

### Licensee; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 139 to Facility Operating License No. DPR-22 issued to Nuclear Management Company, LLC (the licensee), which revised the Technical Specifications for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota. The amendment is effective as of the date of issuance.

The amendment modified the Technical Specifications to change design bases and the Updated Safety Analysis Report (USAR) for (1) long-term containment response to the design-basis loss-of-coolant accident (LOCA) and (2) containment overpressure required for adequate available net positive suction head for the low-pressure emergency core cooling system pumps following a LOCA, reactor vessel isolation, and Appendix R fire.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing in connection with this action was published in the **Federal Register** on January 27, 2003 (68 FR 3900). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendment will not have a significant effect on the quality of the human environment (69 FR 29983).

Further details with respect to the action see (1) the application for amendment dated December 6, 2002, as supplemented September 24, 2003 and March 12, 2004, (2) Amendment No. 139 to License No. DPR-22, (3) the Commission's related Safety Evaluation,

and (4) the Commission's Environmental Assessment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 1555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC Public Document Room Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 2nd day of June, 2004.

For the Nuclear Regulatory Commission.

**L. Mark Padovan,**

*Project Manager, Section 1, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 04-13020 Filed 6-8-04; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-327 and 50-328]

### Tennessee Valley Authority; Sequoyah Nuclear Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements in Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, "Fracture Toughness Requirements" for Facility Operating License Nos. DPR-77 and DPR-79, issued to Tennessee Valley Authority (the licensee), for operation of the Sequoyah Nuclear Plant (SQN), located in Hamilton County, Tennessee. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

### Environmental Assessment

#### Identification of the Proposed Action

The proposed exemption would allow use of the methods described in WCAP-15984, Revision 1, "Reactor Vessel Closure Head/Vessel Flange Requirements Evaluation for Sequoyah Units 1 and 2," instead of the requirements in 10 CFR Part 50,