

units two and six of the Riverfront Superfund Site.

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, and either emailed to 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. the City of New Haven, Missouri*, Civil Action No. 4:06CV01429-ERW, D.J. Ref. 90-11-2-08795.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Missouri, 111 South Tenth Street, 20th floor, St. Louis, Missouri 63102, and at the Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, Kansas 66101. During the public comment period, the Consent Decree may be examined on the following Department of Justice Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the Consent 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, or by faxing or e-mailing a request to Tonia Fleetwood (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 \$29.50 (25 cents per page reproduction cost) payable to the United States Treasury for payment. In requesting a copy exclusive of exhibits and signature pages, please enclose a check in the amount of \$10.00 (25 cents per page reproduction cost) payable to the United States Treasury for payment.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, United States Department of Justice.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environment Response, Compensation and Liability Act ("CERCLA")

Notice is hereby given that on June 12, 2007, a proposed consent decree in *United States v. NCH Corporation, et al.*, Civil Action No. 98-5268 (SDW) and

United States v. FMC Corporation, et al., Civil Action No. 01-0476 (JCL), was lodged with the United States District Court for the District of New Jersey.

In these actions the United States sought recovery of response costs pursuant to Section 107(a) of CERCLA, for costs incurred related to the Higgins Farm Superfund Site in Franklin Township, New Jersey and the Higgins Disposal Superfund Site in Kingston, New Jersey. The consent decree requires Lisbeth Higgins to pay \$1,323,831.80 in reimbursement of the United States' past and future response costs at the Higgins Farm and Higgins Disposal Sites and place agricultural easements on the Higgins Farm and Higgins Disposal properties to preserve the properties exclusively for agricultural or conservation use.

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, and either e-mailed to 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. NCH Corporation, et al.*, D.J. Ref. #90-11-3-1486/1 or *United States v. FMC Corporation, et al.*, D.J. Ref. #90-11-3-1486/2.

The consent decree may be examined at the Office of the United States Attorney, 970 Broad Street, Suite 700, Newark, NJ 07102 (contact Susan Steele) and at U.S. EPA Region II, 290 Broadway, New York, New York 10007-1866 (contact Deborah Schwenk). During the public comment period, the consent decree may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decree.html. A copy of the consent 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 or by faxing or e-mailing a request to Tonia Fleetwood (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 \$14.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the

Consent Decree Library at the stated address.

Ronald G. Gluck,

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

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DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on June 13, 2007, a proposed Consent Decree ("Decree") in *United States v. Nevada Power Company*, Civil Action No. 2:07-cv-00771, was lodged with the United States District Court for the District of Nevada.

The Complaint filed simultaneously with the Consent Decree was brought by the United States against Nevada Power Company ("Nevada Power") pursuant to Sections 113(b) and 167 of the Clean Air Act (the "Act"), 42 U.S.C. 7413(b) and 7477, seeking injunctive relief and civil penalties for violations of the pre-construction permitting program required by the Prevention of Significant Deterioration ("PSD") provisions of the Act, 42 U.S.C. 7470-92, and the federally enforceable State Implementation Plan ("SIP") of Clark County, Nevada. The Complaint alleges that, in 1992, Nevada Power modified, and thereafter operated, two combustion turbines designated as Units 5 and 6 at its Clark Generating Station ("Clark Station") in Las Vegas, Nevada without first obtaining a PSD pre-construction permit and a Title V Operating Permit authorizing the modification and the subsequent operation of these units, and without installing and operating the "Best Available Control Technology" to control emissions of oxides of nitrogen ("NO_x").

The proposed Consent Decree would require Nevada Power to reduce NO_x emissions through, among other things, the installation of pollution control technologies on Units 5 and 6 and on two additional combustion turbines at Clark Station, designated as Units 7 and 8. In addition, the proposed Consent Decree would require Nevada Power to fund \$400,000 of solar arrays in Las Vegas. Finally, the proposed Consent Decree would require Nevada Power to pay a \$300,000 civil penalty.

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, and either e-mailed to 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. Nevada Power Company*, D.J. Ref. 90-5-2-1-07969.

The Decree may be examined at the Office of the United States Attorney for the District of Nevada, located at 333 South Las Vegas Blvd., Lloyd George Federal Building, Las Vegas, Nevada, and at U.S. EPA Region 9, located at 75 Hawthorne Street, San Francisco, California. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/ConsentDecrees.html>. 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 or faxing or e-mailing a request to Tonia Fleetwood (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 \$12.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address. In requesting a copy exclusive of appendices to the Decree, please enclose a check in the amount of \$12.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

W. Benjamin Fisherow,

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

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Company; Surry Power Station, Unit Nos. 1 and 2, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions from Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Appendix G, "Fracture Toughness Requirements" and 10 CFR Part 50, Section 50.61, "Fracture toughness requirements for protection against pressurized thermal shock events," for Renewed Facility Operating License Nos. DPR-32 and DPR-37,

issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Unit Nos. 1 and 2 (Surry 1 and 2), located in Surry County, Virginia. 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 action, as described in the licensee's application dated June 13, 2006 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML061650080), would allow use of an alternate method, as described in Framatome Advanced Nuclear Power Topical Report BAW-2308, Revision 1, "Initial RT_{NDT} of Linde 80 Weld Materials," for determining the adjusted reference nil-ductility temperature (RT_{NDT}) of the Linde 80 weld materials present in the beltline region of the Surry 1 and 2 reactor pressure vessels (RPVs). On August 4, 2005, NRC approved the Topical Report BAW-2308, Revision 1 (ADAMS Accession No. ML052070408).

The Need for the Proposed Action

The underlying purpose of 10 CFR Part 50, Appendix G, and 10 CFR 50.61 is to protect the integrity of the reactor coolant pressure boundary by ensuring that each RPV material has adequate fracture toughness. Per 10 CFR Part 50, Appendix G, and 10 CFR 50.61, the methodology for evaluating RPV material fracture toughness is based on Charpy V-notch and drop weight data. This methodology has been shown to be overly conservative when used to predict the transition from ductile to brittle failure in Linde 80 welds. As a result, the licensee proposes to use an alternate methodology as described in the NRC approved Topical Report BAW-2308, Revision 1, and this alternate methodology still yields conservative results for demonstrating compliance with the requirements of 10 CFR Part 50, Appendix G, and 10 CFR 50.61.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation (SE) of the proposed action and concludes that the proposed exemptions will not present an undue risk to the public health and safety. The details of the NRC staff's SE will be provided in the exemptions that will be issued as part of the letter to the licensee approving the exemptions to the regulation. The exemptions would allow the licensee to use an alternative

methodology to make use of fracture toughness test data for evaluating the integrity of the Surry 1 and 2 RPV circumferential beltline welds; do not compromise the safe operation of the reactors, and ensure that RPV integrity is maintained. Further, these exemptions will not increase the potential for failure of RPV due to PTS. Therefore, these exemptions have no significant environmental impacts.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released off site. There is no significant increase in the amount of any effluent released off site. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement related to the operation of Surry 1 and 2, May and June 1972, respectively.

Agencies and Persons Consulted

In accordance with its stated policy, on April 25, 2007, the NRC staff consulted with Mr. Les Foldesi, Director of the Bureau of Radiological Health, Commonwealth of Virginia, regarding the environmental impact of the proposed action. The State official had no comments.