

secondary, and cumulative impacts related to valley fills and associated mining practices is difficult.

This EIS will complement recent efforts to address the issues of mountaintop mining and valley fills. The OSM recently completed and issued a draft oversight report entitled "An Evaluation of Approximate Original Contour and Postmining Land Use in West Virginia". During 1998, the Governor of West Virginia established a Governor's Task Force, which held public inquiries and evaluated the impacts of mountaintop mining operations on the economy, the environment, and the people of that State. Its report was issued in December 1998.

To address the concerns about mountaintop mining and valley fills, the agencies will consider potential revisions to relevant regulations, policies, and guidance that would minimize the potential for adverse individual and cumulative impacts of mining operations. The EIS will provide information that will help the agencies improve the permitting process to protect water quality and minimize impacts to other environmental resources. The EIS will also examine how regulations of the agencies can be better coordinated. The EIS may consider information on the following: the cumulative environmental impacts of mountaintop mining; the efficacy of stream restoration; the viability of reclaimed streams compared to natural waters; the impact that filled valleys have on aquatic life, wildlife and nearby residents; biological and habitat analyses that should be done before mining begins; practicable alternatives for in-stream placement of excess overburden; measures to minimize stream filling to the maximum extent practicable; and the effectiveness of mitigation and reclamation measures. The EIS is expected to take two years to complete.

Dated: February 2, 1999.

Mary Josie Blanchard,

Assistant Director, Program Support.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended

In accordance with Department of Justice policy, 28 CFR 50.7, notice is

hereby given that a proposed partial consent decree in the consolidated action entitled *United States of America v. Western Publishing Co., Inc., et al.*, Civil Action No. 94-CV-1247 (LEK/DNH) and *State of New York v. F.I.C.A. a/k/a Dutchess Sanitation Services, Inc., et al.*, Civil Action No. 86-CV-1136 (LEK/DNH) (N.D.N.Y.), was lodged on January 22, 1999, with the United States District Court for the Northern District of New York. The proposed partial consent decree resolves claims of the United States, on behalf of the U.S. Environmental Protection Agency, and the State of New York against defendants Golden Books Publishing Co., Inc. (formerly known as Western Publishing Co., Inc.), Hudson Valley Environmental Services, Inc., third-party defendant and fourth-party plaintiff Ford Motor Company, and fourth-party defendants Alfa Laval, Inc., Frye Tech, Inc., International Business Machines Corp., Kem Plastic Playing Cards, Inc. (who is participating in the settlement based upon a documented limited ability to pay), Poughkeepsie Newspaper Division of Gannett Satellite Information Network, Inc., the City of Poughkeepsie, and tesa tape inc., under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C 9601-9675 ("CERCLA"). These claims are for recovery of response costs incurred and to be incurred by the United States in connection with the Hertel Landfill Superfund Site ("Site"), located in the Hamlet of Clintondale, Town of Plattekill, Ulster County, New York.

Under the terms of the proposed partial consent decree, the settling defendants will pay to the United States \$453,500 in reimbursement of past response costs and \$125,000 in reimbursement of interim response costs incurred by the United States, and up to \$300,000 in future oversight and all future non-oversight costs to be incurred by the United States with respect to the Site. Settling defendants also will pay to the State \$3,814 toward reimbursement of the State's response costs. Pursuant to the proposed partial consent decree, the settling defendants also are required to implement the remedial design and remedial action set forth in the September 27, 1991 Record of Decision for the Site, including construction and operation and maintenance of a multi-layer cap over the landfill. The proposed partial consent decree provides the settling defendants with releases for civil liability under Sections 106 and 107(a) of CERCLA relating to the Site as consideration for the

payments to be made and the work to be performed.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States of America v. Western Publishing Co., Inc., et al.*, Civil Action No. 94-CV-1247 (LEK/DNH) and *State of New York v. F.I.C.A. a/k/a Dutchess Sanitation Services, Inc., et al.*, Civil Action No. 86-CV-1136 (LEK/DNH) (N.D.N.Y.), DOJ Ref. No. 90-11-2-767A.

The proposed partial consent decree may be examined at the Office of the United States Attorney, 445 Broadway, Room 231, Albany, New York 12207; the Region II Office of the Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866; and the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, telephone (202) 624-0892. A copy of the proposed partial consent decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of \$36.75 (25 cents per page reproduction costs) made payable to Consent Decree Library.

Joel M. Gross,

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

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DEPARTMENT OF JUSTICE

Antitrust Division

[Civil No. 99-167-CIV-T-17F]

United States of America v. Federation of Certified Surgeons and Specialists, Incorporated and Pershing Yoakley & Associates, P.C.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulations, and a Competitive Impact Statement have been filed with the United States District Court for the Middle District of Florida, Tampa Division, in *United States of America v. Federation of Certified Surgeons and Specialists, Inc., and Pershing Yoakley & Associates, P.C.*

The Complaint alleges that defendants entered into an agreement with the