

notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Field Manager, Las Vegas Field Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

**Classification Comments:** Interested parties may submit comments involving the suitability of the land for the proposed facilities. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**Application Comments:** Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for the proposed facilities.

Any adverse comments will be reviewed by the State Director.

In the absence of any adverse comments, the classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: January 27, 1999.

**Rex Wells,**

*Acting Field Manager, Las Vegas District.*

[FR Doc. 99-2699 Filed 2-4-99; 8:45 am]

BILLING CODE 4310-HC-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Intent To Prepare an Environmental Impact Statement To Consider Policies, Guidance, and Processes To Minimize the Environmental Impacts of Mountaintop Mining and Valley Fills in the Appalachian Coalfields

**AGENCY:** U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (Corps), Office of Surface Mining (OSM), and U.S. Fish and Wildlife Service (FWS).

**ACTION:** Notice of intent to prepare an environmental impact statement.

**PURPOSE:** The EPA, Corps, OSM, and FWS, in accordance with Section 102(2)(c) of the National Environmental Policy Act (NEPA), with the State of

West Virginia, will prepare an Environmental Impact Statement (EIS) on a proposal to consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources from mountaintop mining operations, and to environmental resources that could be affected by the size and location of fill material in valley fill sites.

**DATES:** The agencies invite comments and suggestions on the scope of the analysis, including the regulatory issues and significant environmental effects to be addressed in the EIS. Written comments from the public regarding the environmental and regulatory issues and alternatives to be addressed in the EIS should be received in writing by March 31, 1999. The agencies will hold public meetings on February 23, 1999, in Summersville, West Virginia; February 24, 1999, in Charleston, West Virginia; and February 25, 1999, in Logan, West Virginia, to receive public input, either verbal or written, on relevant environmental and regulatory issues that should be addressed in the EIS. The locations and starting times of the public meetings are as follows: In Summersville, the meeting will be held at the Nicholas County Veteran's Memorial Park beginning at 6:30 p.m.; in Charleston, the meeting will be held at the rotunda at Riggleman Hall, University of Charleston in the afternoon from 2-4 p.m. and in the evening beginning at 6:30 p.m.; and in Logan, the meeting will be held at the Chief Logan State Park beginning at 6:30 p.m. Other public meetings may also be held and will be announced at a later date.

**ADDRESSES:** Send written comments and suggestions concerning this proposal to William Hoffman, Environmental Protection Agency, 3ES30, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029; e-mail address, hoffman.william@epamail.epa.gov; telephone: 215-814-2995. Requests to be placed on the mailing list should also be sent to this address.

**FOR FURTHER INFORMATION AND CONTACTS:** Questions about the proposed action and EIS are to be directed to William Hoffman, Environmental Protection Agency, 215-814-2995. Coordinators for each of the federal and state agencies are as follows: William Hoffman, U.S. Environmental Protection Agency, 215-814-2995; David G. Hartos, Office of Surface Mining, 412-937-2909

Andy Gallagher, WV Division of Environmental Protection, 304-759-0515

Michael D. Gheen, U.S. Army Corps of Engineers 304-529-5487

David Densmore, U.S. Fish and Wildlife Service, 814-234-4090

**SUPPLEMENTARY INFORMATION:** The agencies undertaking preparation of this voluntary EIS implement federal and state laws with which mountaintop mining operations and associated discharges to waters of the U.S. must comply. OSM is responsible for national administration of the Surface Mining Control and Reclamation Act (SMCRA); it has delegated the authority for the SMCRA programs for surface mining operations in West Virginia to the State of West Virginia. Other Appalachian coal field states (except Tennessee) also implement delegated SMCRA authority. Discharge of fill material into U.S. waters is regulated under Sec. 404 of the Clean Water Act, with permit responsibility administered by the U.S. Army Corps of Engineers and applicable 404 regulations issued by the Corps and EPA. Other discharges to U.S. waters are subject to Sec. 402 of the Clean Water Act, which is administered nationally by EPA with authority for the program delegated to West Virginia and other Appalachian coalfield states. Mountaintop mining operations must also comply with the Endangered Species Act, which is administered by FWS. In addition, the Fish and Wildlife Coordination Act (FWCA) pertains to federally-permitted, constructed, or licensed water development projects and land development projects that affect any water body. Whenever OSM, COE, or EPA authorize an action within the scope of the FWCA, they are required to consult with the FWS, and similar State agencies, to obtain recommendations on ways to mitigate adverse effects on fish and wildlife resources.

The number of mountaintop mining operations that utilize valley fills, as well as the scale of individual operations, have increased in recent years in West Virginia. This EIS will evaluate significant environmental impacts associated with these operations on water quality, streams, aquatic and terrestrial habitat, habitat fragmentation, the hydrological balance, and other individual and cumulative effects. Federal and state agencies are increasingly concerned over the lack of comprehensive data regarding valley fill operations, and have initiated a number of studies to address these data gaps. Accurately describing and quantifying the extent and nature of direct,

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.*

[FR Doc. 99-2814 Filed 2-4-99; 8:45 am]

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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