

The impacts of four alternatives that would correct safety deficiencies at Keechelus Dam, as well as the No Action Alternative are evaluated in this FEIS. The alternatives include: Modify Existing Dam (Preferred Alternative); Replace Existing Dam on New Alignment; Dam Breach; and Permanent Reservoir Restriction. The No Action Alternative is considered to be continued operation at the interim restriction to 2510 feet (7 feet below full pool), implemented in November 1998 to protect public safety. The impacts of the other alternatives were compared to the No Action Alternative.

The preferred alternative of modifying the dam would provide for the safe operation of Keechelus Dam and also maintain benefits from Keechelus Lake that include meeting existing contractual commitments for storage space for irrigators within the Yakima Project and controlling seasonal downstream flooding.

The FEIS includes all comment letters received on the DEIS and Reclamation's responses to those comments, as well as a summary of the comments from the public hearings. It also includes minor revisions and additions to the analysis as a result of review comments.

A Record of Decision (ROD) will be completed no sooner than 30 days after the publication of the Environmental Protection Agency's Notice of Availability of the FEIS in the **Federal Register**. The ROD will state the alternative that will be implemented and will discuss all factors leading to the decision. It is scheduled for issuance in October 2001. However, consultations under section 7 of the Endangered Species Act with the United States Fish and Wildlife Service and National Marine Fisheries Service are continuing and the ROD will not be signed until they are completed.

**ADDRESSES:** Copies of the FEIS are available for public inspection and review at the following locations:

- Bureau of Reclamation, U.S. Department of the Interior, Room 7455, 18th and C Streets NW, Washington, DC 20240.
- Bureau of Reclamation, Denver Office Library, Denver Federal Center, Building 67, Room 167, Denver, Colorado 80225.
- Bureau of Reclamation, Pacific Northwest Regional Office, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706-1234.
- Bureau of Reclamation, Upper Columbia Area Office, 1917 Marsh Road, Yakima, Washington 98901.

## Libraries

Carpenter Memorial Library, 302 N Pennsylvania Ave., Cle Elum, WA 98922; (509) 674-2313.

Central Washington University Library, 700 E 8th Ave., Ellensburg WA 98926; (509) 963-1777.

Ellensburg Public Library, 209 N Ruby, Ellensburg WA 98926; (509) 962-7250.

Yakima Valley Regional Library, 102 N 3rd St, Yakima WA 98901; (509) 452-8541.

University of Washington Campus, Suzzallo Library, Government Publications Division, Seattle WA 98195; (206) 543-1937.

## Internet

The FEIS is also available on the Internet at: <http://www.pn.usbr.gov/>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dave Kaumheimer at (509) 575-5848, extension 232. Those wishing to obtain a copy of the FEIS in the form of a printed document or on compact disk (CD-ROM with reader included) or a Summary of the FEIS may contact Mr. Kaumheimer.

**SUPPLEMENTARY INFORMATION:** Keechelus Dam was completed in 1917 as part of Reclamation's Yakima Project, storing Yakima River water in central Washington for irrigation of part of 443,400 acres of prime farmland and for flood control. Recent investigations have shown that the wooden railroad trestle, used to deliver earth material and rocks while constructing the dam, has deteriorated, forming vertical paths where earthen materials within the dam can move, leaving voids in the dam. Examination of the seepage problems indicates the material is internally unstable and is subject to failure, with an associated potential for loss of life and property downstream. Because of the deficiencies identified, Keechelus Lake has been operated at a restricted pool elevation 7 feet below the normal full pool elevation of 2517 feet since November 1998, with increased monitoring and surveillance at the dam. This was identified as the No Action Alternative in the FEIS, and elevation 2510 was used in comparing impacts of the other alternatives.

The Safety of Dams Act of 1978 (Public Law 95-578) and amendments of 1984 (Public Law 98-404) authorize the Secretary of the Interior to analyze existing Reclamation dams for changes in the state-of-the-art criteria and additional hydrologic and seismic data developed since the dams were constructed. For dams where a safety concern exists, the Secretary is authorized to modify the structure to

ensure its continued safety. Section 3 of the Safety of Dams Act states that construction authorized by the Act shall be for dam safety and not for specific purposes of providing additional conservation storage capacity or developing benefits over and above those provided by the original dams and reservoirs.

The major issue identified during the review of the DEIS was that fish passage is not provided as part of any of the alternatives. Reclamation indicated during scoping that this was outside the scope of the project which is to correct safety deficiencies in order to protect life and property. In addition, neither authority or funding for fish passage is provided under the Safety of Dams Act. None of the alternatives preclude addition of fish passage in the future and this will be pursued under a separate planning action. An appendix discussing fish passage concerns has been added to the FEIS.

Dated: August 30, 2001.

**Kenneth R. Pedde,**

*Acting Regional Director, Pacific Northwest Region.*

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## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731-TA-739 (Review)]**

### Clad Steel Plate From Japan

**AGENCY:** United States International Trade Commission.

**ACTION:** Scheduling of an expedited five-year review concerning the antidumping duty order on clad steel plate from Japan.

**SUMMARY:** The Commission hereby gives notice of the scheduling of an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)) (the Act) to determine whether revocation of the antidumping duty order on clad steel plate from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. For further information concerning the conduct of this review and rules of general application, consult the Commission's rules of practice and procedure, part 201, subpart A through E (19 CFR part 201), and part 207, subpart A, D, E, and F (19 CFR part 207).

**EFFECTIVE DATES:** September 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Debra Baker (202-205-3180), Office of

Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's ADD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 4, 2001, the Commission determined that the domestic interested party group response to its notice of institution (66 FR 29829, June 1, 2001) was adequate and the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.<sup>1</sup> Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act.

##### Staff Report

A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on October 1, 2001, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

##### Written Submissions.

As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,<sup>2</sup> and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before October 4, 2001, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party

may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by October 4, 2001. However, should Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.62 of the Commission's rules.

Issued: September 20, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department of Justice policy codified at 28 CFR 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622, 42 U.S.C. 9622, notice is hereby given that on September 7, 2001, a proposed consent decree in *United States v. Dayton Power & Light Co., et al.*, No. C-3-98-451, was lodged with the United States District Court for the Southern District of Ohio. The proposed consent decree would settle the United States' claims against five Settling Defendants under CERCLA 107, 42 U.S.C. 9607, for the recovery of response costs incurred or to be incurred by the United States in connection with the Sanitary Landfill (IWD) Superfund Site ("Site") in Moraine, Ohio. The proposed consent

decree would also resolve the United States' claim under CERCLA Section 104(e), 42 U.S.C. 9604(e), for civil penalties against defendant Lee E. Snyder. Each of the Settling Defendants is an owner and/or operator of the Site, which was operated as a licensed landfill from 1971 to 1980. The U.S. Environmental Protection Agency ("EPA") incurred costs of approximately \$1.2 million in responding to the release or threatened release of hazardous substances at the Site.

Under the terms of the consent decree, the Settling Defendants agree to pay a total of \$110,000 (\$45,000 for the claim under CERCLA Section 104(e), and \$65,000 for the claims under CERCLA Section 107) with thirty (30) days of entry of the consent decree. In consideration for these payments, the Settling Defendants will receive a covenant not to sue for Site response costs and for the CERCLA Section 104(e) violations alleged in the United States' complaint. The Settling Defendants will also receive contribution protection for Site response costs.

For a period of thirty (30) days from the date of this publication, the Department of Justice will receive comments related to the proposed consent decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530, and should refer to *United States v. Dayton Power & Light Co., et al.*, Civil Action No. C-3-98-451; D.J. Ref. No. 90-11-2-1113A.

The consent decree may be examined at the Office of the United States Attorney, 602 Federal Building, 200 West 2nd Street, Dayton, Ohio 45402, and at the U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604. 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. In requesting a copy, please enclose a check in the amount of \$5.50 (22 pages at 25 cents per page reproduction cost).

**William Brighton,**

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

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<sup>1</sup> A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's web site.

<sup>2</sup> The Commission has found the response submitted by Bethlehem Likens Plate to be individually adequate. Comments from other interested parties will not be accepted (see 19 CAR 207.62(d)(2)).