

otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by the Northeast Public Sewer District is available as part of the administrative record subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to thirty (30) days from the date of this document.

Dated: January 15, 1999.

**Dennis Grams,**

*Regional Administrator, Region 7.*

[FR Doc. 99-2451 Filed 2-4-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6226-8]

### Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity To Comment Regarding Klein Products of Kansas, Inc., Fort Scott, KS

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment regarding Klein Products of Kansas, Inc., Fort Scott, Kansas.

**SUMMARY:** EPA is providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1319(g).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline

for submitting public comment on a proposed Class II order is thirty (30) days after issuance of public notice.

On December 30, 1998, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following complaint:

In the Matter of, Klein Products of Kansas, Inc., Fort Scott, Kansas; EPA Docket No. CWA-7-99-0002.

The Complaint proposes a penalty of Eleven Thousand Dollars (\$11,000) for discharge of a xylene mixture to waters of the United States without a permit in violation of Sections 301(a) and 402 of the Clean Water Act.

#### FOR FURTHER INFORMATION CONTACT:

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by the Klein Products of Kansas, Inc., is available as part of the administrative record subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to thirty (30) days from the date of this document.

Dated: January 15, 1999.

**Dennis Grams,**

*Regional Administrator, Region 7.*

[FR Doc. 99-2452 Filed 2-4-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-5499-5]

### 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

**AGENCIES:** 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 Rigglesman 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 CONTACT:** 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 coalfield 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: January 29, 1999.

**Richard E. Sanderson,**

*Director, Office of Federal Activities.*

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## OFFICE OF SCIENCE AND TECHNOLOGY POLICY

### Meeting of the President's Committee of Advisors on Science and Technology

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and summary agenda for a meeting of the President's Committee of Advisors on Science and Technology (PCAST), and describes the functions of the Committee. Notice of this meeting is required under the Federal Advisory Committee Act.

**DATES AND PLACE:** February 22, 1999, Washington, DC. This meeting will take place in the Truman Room (Third Floor) of the White House Conference Center, 726 Jackson Place, NW, Washington, DC.

**TYPE OF MEETING:** Open.

**PROPOSED SCHEDULE AND AGENDA:** The President's Committee of Advisors on Science and Technology (PCAST) is tentatively scheduled to meet in open session on Monday, February 22, 1999, at approximately 1:00 p.m. to discuss (1) the Science and Technology budget, (2) the report of the President's Information Technology Advisory Committee, and (3) work of PCAST panels. This session will end at approximately 4:30 p.m.

**PUBLIC COMMENTS:** There will be a time allocated for the public to speak on any of the above agenda items. Please make your request for the opportunity to make a public comment five (5) days in advance of the meeting. Written comments are welcome anytime prior to or following the meeting. Please notify Joan P. Porter, PCAST Executive Secretary, at (202) 456-6101 or fax your requests/comments to (202) 456-6026.

**FOR FURTHER INFORMATION CONTACT:** For information regarding time, place, and agenda, please call Joan P. Porter, PCAST Executive Secretary, at (202) 456-6101, prior to 3:00 p.m. on Friday, February 19, 1999. Please note that public seating for this meeting is limited, and is available on a first-come first served basis.

**SUPPLEMENTARY INFORMATION:** The President's Committee of Advisors on Science and Technology was established by Executive Order 12882, as amended, on November 23, 1993. The purpose of PCAST is to advise the President on matters of national importance that have significant science and technology content, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Committee members are distinguished