

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[MT-921-03-1320-EL-P; MTM 92544]

**Notice of Invitation—Coal Exploration License Application MTM 92544****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of invitation.

**SUMMARY:** Members of the public are hereby invited to participate with Kiewit Mining Group, Inc., in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Prairie County, Montana, encompassing 240.00 acres:

T. 11 N., R. 49 E., P. M. M.  
 Sec. 21: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$   
 Sec. 22: NE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Sec. 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$   
 Sec. 28: SW $\frac{1}{4}$ NE $\frac{1}{4}$

**SUPPLEMENTARY INFORMATION:** Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, PO Box 36800, Billings, Montana 59107-6800, and Kiewit Mining Group, Inc., PO Box 3, Decker, Montana 59025. Such written notice must refer to serial number MTM 92544 and be received no later than June 16, 2003 or 10 calendar days after the last publication of this Notice in *The Terry Tribune*, Terry, Montana, or *The Miles City Star*, Miles City, Montana, newspapers, whichever is later. This Notice will be published once a week for two (2) consecutive weeks in *The Terry Tribune*, Terry, Montana and *The Miles City Star*, Miles City, Montana.

The proposed exploration program is fully described, and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. The exploration plan, as submitted by Kiewit Mining Group, Inc., is available for public inspection at the Bureau of Land Management, Montana State Office, 5001 Southgate Drive, Billings, Montana, during regular business hours (9 a.m. to 4 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Robert Giovanini, Mining Engineer, or Connie Schaff, Land Law Examiner, Branch of Solid Minerals (MT-921), Bureau of Land Management, Montana State Office, PO Box 36800, Billings, Montana 59107-6800, telephone (406) 896-5084 or (406) 896-5060, respectively.

Dated: April 15, 2003.

Randy D. Heuscher,

Chief, Branch of Solid Minerals.

[FR Doc. 03-12062 Filed 5-14-03; 8:45 am]

BILLING CODE 4310-SS-P

**DEPARTMENT OF JUSTICE****Notice of Lodging Proposed Consent Decree**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in the case of *United States of America, Plaintiff v. Charles E. Corbett, Jr., Defendant*, Civil Action No. 4:03-0166-25 (D.S.C.), was lodged with the United States District Court for the District of South Carolina, Florence Division, on May 2, 2003. This proposed Consent Decree concerns a complaint filed by the United States of America against Charles E. Corbett, Jr., pursuant to sections 301(a) and 309(b) and (d) of the Clean Water Act, 33 U.S.C. 1311(a) and 1319(b) and (d), to obtain injunctive relief from, and impose civil penalties against, the Defendant for unauthorized discharge of dredged or fill material into waters of the United States in connection with the development of a portion of a 4.724 acre site adjacent to Gravelly Gully Circle on Highway 544 near the City of Conway, Horry County, South Carolina.

The proposed Consent Decree prohibits any further discharge of pollutants into waters of the United States and requires the payment of civil penalties in the amount of \$5,000.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to Joseph P. Griffith, Jr., Assistant United States Attorney, P.O. Box 978, Charleston, South Carolina, 29402 and refer to *United States of America v. Charles E. Corbett, Jr.*

The proposed Consent Decree may be examined at the Clerk's office, United States District Court for the District of South Carolina, Florence Division, 401 W. Evans Street, Florence, South Carolina 29501. In addition, the proposed Consent Decree may be viewed on the World Wide Web at <http://www.usdoj.gov/enrd/home.html>.

Joseph P. Griffith Jr.,

Assistant United States Attorney, 151 Meeting Street, Ste. 200, P.O. Box 978, Charleston, S.C. 29402, (843) 266-1667 (tel), (843) 727-4443 (fax), [joseph.griffith@usdoj.gov](mailto:joseph.griffith@usdoj.gov).

[FR Doc. 03-12052 Filed 5-14-03; 8:45 am]

BILLING CODE 4419-15-M

**DEPARTMENT OF JUSTICE****Notice of Lodging of Settlement Stipulation Under the Comprehensive Environmental Response, Compensation and Liability Act**

Notice is hereby given that on April 30, 2003, a proposed Stipulation and Agreement in *United States of America et al. v. The Ed Krewatch Partnership, et al.*, C.A. No. 01-660 (D. Del.), was lodged with the United States District Court for the District of Delaware.

In this action the United States has sought to recover costs incurred by the United States Environmental Protection Agency ("EPA") in 1996-1997, under Section 104(a) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9604(a), at the Drum Burial Area of the Krewatch Farm Site. The United States settled its claims against The Ed Krewatch Partnership and Anthony Nero in 2001 and simultaneously sued Gardner Asphalt Corporation ("GAC"), Raymond T. Hyer, Jr. ("Hyer"), and Emulsion Products Company ("Emulsion"). The Stipulation and Agreement will resolve the liability of GAC, Hyer and Emulsion for their liability under Section 107 of CERCLA, 42 U.S.C. 9607.

The Krewatch Farm Site is located near Seaford, Delaware. EPA conducted a removal action at the Drum Burial Area of the Site to remove buried drums and soil which had become contaminated with hazardous substances. In settlement, Hyer and Emulsion have agreed to pay the sum of \$300,000 over a five year period. Upon the District Court's approval of the Stipulation and Agreement, Hyer and Emulsion will receive a covenant not to sue from the United States. GAC will receive its covenant not to sue when the principal amount of the settlement and all accumulated interest have been paid. All defendants will receive contribution protection when the Stipulation and Agreement are approved by the Court. In the event Hyer and Emulsion fail to pay an installment, the United States has the right to seek entry of a judgment against them in the District Court, as soon as 10 days after the payment is due. The only defense to entry of judgment would be that payment has been made.

Upon the District Court's approval of the Stipulation and Agreement, the United States will move to dismiss a declaratory judgment action filed in the United States Bankruptcy Court for the Southern District of Florida, in which the United States has been seeking declaratory rulings that the discharge of

debts GAC and Hyer received under a plan of reorganization confirmed in 1993 does not bar the United States from pursuing its CERCLA claims against them.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Stipulation and Agreement. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States of America et al. v. The Ed Krewatch Partnership, et al.*, DJ No. 90-11-3-07224.

The proposed Stipulation and Agreement may be examined at the office of the United States Attorney, District of Delaware, 1201 N. Market Street, Wilmington, DE and at the Region III Office of the Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103. During the public comment period, the Stipulation and Agreement may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>. A copy of the Stipulation and Agreement may 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](mailto: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 \$7.25 (25 cents per page reproduction cost) payable to the U.S. Treasury. In all correspondence, please refer to the case by its title and DOJ Ref. # 90-11-3-07224.

**Robert D. Brook,**

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

[FR Doc. 03-12054 Filed 5-14-03; 8:45 am]

BILLING CODE 4410-15-M

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Between the United States and Wisconsin Electric Power Company Under the Clean Air Act

Under 28 C.F.R. 50.7, notice is hereby given that on April 29, 2003, a proposed consent decree ("Consent Decree") between Wisconsin Electric Power Company ("Wisconsin Electric") and the United States, Civil Action No. 2003V00451, was lodged with the

United States District Court for the Eastern District of Wisconsin.

The Consent Decree would resolve claims asserted by the United States against Wisconsin Electric 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 the assessment of civil penalties for WE's violations of:

(a) The Prevention of Significant Deterioration provisions in Part C of Subchapter I of the Act, 42 U.S.C. 7470-92;

(b) The nonattainment New Source Review provisions in Part D of Subchapter I of the Act, 42 U.S.C. 7501-7515;

(c) The federally-enforceable State Implementation Plan developed by the State of Michigan (the "Michigan SIP"); and

(d) The federally-enforceable State Implementation Plan developed by the State of Wisconsin (the "Wisconsin SIP").

The complaint filed by the United States alleges, among other things, that between approximately 1982 and the present, Wisconsin Electric modified and thereafter operated certain coal-fired electricity generating units at its Oak Creek Generating Station in Milwaukee County, Wisconsin, without first obtaining a PSD permit authorizing the construction and without installing the best available technology to control emissions of sulfur dioxide, nitrogen oxides, and particulate matter, as required by the Act, applicable federal regulations, and the Michigan and Wisconsin SIPs. These major modifications included, but were not limited to, replacement of economizers, induced draft fans, waterwall tubes, reheaters and superheaters on one or more units at the Oak Creek Generating Station. These modifications resulted in significant net emissions increases, as defined by 40 CFR 52.2(b)(3)(i), of one or more of the following pollutants: NO<sub>x</sub>, SO<sub>2</sub>, and PM.

The complaint also alleges, upon information and belief, that Wisconsin Electric undertook similar major modifications at one or more of its other facilities—namely, the Presque Isle Generating Station in Marquette County, Michigan, the Pleasant Prairie Generating Station in Kenosha County, Wisconsin, the Port Washington Generating Station in Ozaukee County, Wisconsin, and the Valley Generating Station in Milwaukee County, Wisconsin—which resulted in significant net emissions increases, as defined by 40 CFR 52.21(b)(3)(i), of one or more of the following pollutants: NO<sub>x</sub>, SO<sub>2</sub>, and PM.

The proposed Consent Decree would require Wisconsin Electric to reduce SO<sub>2</sub>, NO<sub>x</sub>, and PM emissions across its coal-fired system through the installation of state-of-the-art pollution control technologies and the retirement of certain units. In addition, the proposed Consent Decree would require Wisconsin Electric to spend no less than \$20 million to implement the TOXECON Project at its Presque Isle Power Plant, which is designed to implement and explore innovative ways to reduce mercury and PM emissions from coal-fired power plants, as a means of mitigating the harm caused by the alleged violations. Finally, the proposed Consent Decree would require Wisconsin Electric to pay a \$3.2 million 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 Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Wisconsin Electric*, D.J. Ref. No. 90-5-2-1-07493.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Wisconsin, Federal Courthouse, 517 East Wisconsin Ave., Milwaukee, Wisconsin 53202, and at U.S. EPA Region V, 77 West Jackson Blvd., Chicago, IL 60604-3507. 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/open.html>. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, PO 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](mailto: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 \$18.00 (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.*

[FR Doc. 03-12053 Filed 5-14-03; 8:45 am]

BILLING CODE 4410-15-M