

having a direct or indirect financial interest in underground or surface coal mining operations.

*Bureau Form Number:* OSM-23.

*Frequency of Collection:* Entrance on duty and annually.

*Description of Respondents:* Any State regulatory authority employee or member of advisory boards or commissions established in accordance with State law or regulation to represent multiple interests who performs any function or duty under the Surface Mining Control and Reclamation Act.

*Total Annual Responses:* 3,540

*Total Annual Burden Hours:* 1,184.

Dated: February 1, 2008.

**John R. Craynon,**

*Chief, Division of Regulatory Support.*

[FR Doc. 08-598 Filed 2-11-08; 8:45 am]

**BILLING CODE 4310-05-M**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Modification In United States V. East Kentucky Power Cooperative, Inc. Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on February 5, 2008, a proposed modification ("Modification") to a consent decree ("Consent Decree") between East Kentucky Power Cooperative, Inc. ("EKPC") and the United States, Civil Action No. 04-34-KSF, was lodged with the United States District Court for the Eastern District of Kentucky.

The original Consent Decree was lodged with the United States District Court for the Eastern District of Kentucky on July 2, 2007, and entered by the Court on September 24, 2007. The Consent Decree resolved claims asserted by the United States against EKPC 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 EKPC's violations of:

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

(b) The New Source Performance Standards ("NSPS") provisions of the Act, 42 U.S.C. 7411;

(c) Title V of the Act, 42 U.S.C. 7661, *et seq.*; and

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

See 72 FR 37797 (July 11, 2007).

EKPC operates three coal-fired power plants in Kentucky: the Spurlock Plant, located near Maysville, Kentucky, the

Dale Plant, located near Winchester, Kentucky, and the Cooper Plant, located near Somerset, Kentucky. The complaint filed by the United States alleged that EKPC modified Spurlock Unit 2 and Dale Units 3 and 4 without complying with PSD (including the requirements to first obtain a PSD permit authorizing the modifications and to install and operate the best available technology to control emissions of sulfur dioxide ("SO<sub>2</sub>"), nitrogen oxides ("NO<sub>x</sub>"), and/or particulate matter ("PM")), and modified Dale Units 3 and 4 without complying with NSPS. The Complaint also alleged that EKPC violated Title V of the Act by failing to include the PSD and NSPS requirements triggered by its modifications in its Title V operating permits for the Spurlock and Dale plants. Finally, the Complaint alleged that EKPC illegally operated Spurlock Unit 2 at heat input capacities that were higher than allowed by its operating permit.

The Consent Decree entered by the Court on September 24, 2007 requires, *inter alia*, that EKPC reduce SO<sub>2</sub>, NO<sub>x</sub> and PM emissions at its plants through the installation and operation of state-of-the-art pollution control technologies and/or the retirement or re-powering of certain units. The proposed Modification would extend by up to 60 days the time for EKPC to comply with the Consent Decree's 30-day rolling average emission rates for NO<sub>x</sub> applicable to Spurlock Unit 1. The extension relates to a transformer failure at the Spurlock Plant that altered EKPC's scheduled installation of a third catalyst layer for selective catalytic reduction ("SCR") controls at Spurlock Unit 1, which resulted in EKPC's inability to operate the SCR in time to meet the applicable 30-day rolling average emission rates for NO<sub>x</sub>. The Modification also requires EKPC to mitigate the effect of the excess emissions caused by the delay, by retiring NO<sub>x</sub> allowances equal to the amount of excess emissions, plus a premium of ten percent.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Modification. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. East Kentucky Power Cooperative*, D.J. Ref. No. 90-5-2-1-08085.

The Modification may be examined at the Office of the United States Attorney, Eastern District of Kentucky, 260 West Vine Street, Suite 300, Lexington, Kentucky, 40507-1612, and at U.S. EPA Region IV, 61 Forsyth Street, SW., Atlanta, Georgia, 30303-8960. During the public comment period, the Modification may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Modification may also 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 \$1.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**W. Benjamin Fisherow,**

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

[FR Doc. E8-2493 Filed 2-11-08; 8:45 am]

**BILLING CODE 4410-CW-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

Under the policy set out at 28 CFR 50.7, notice is hereby given that on February 7, 2008, the United States lodged with the United States District Court for the District of Montana a proposed consent decree ("Consent Decree") in the case of *United States v. Atlantic Richfield Company, et al.*, Civil Action No. CV-89-39-BU-SEH. The Consent Decree pertains primarily to the Clark Fork River Operable Unit (the "Clark Fork Site") in southwestern Montana. The settlement would resolve the claims brought by the United States against the Atlantic Richfield Company under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607, for the recovery of costs incurred and to be incurred in responding to releases and threatened releases of hazardous substances at the Clark Fork Site. Under the terms of the proposed Consent Decree, Atlantic

Richfield will provide funding to implement EPA's cleanup plan for the Clark Fork Site and reimburse costs incurred by EPA in responding to contamination at the Clark Fork Site. The proposed Consent Decree will also, among other things, require Atlantic Richfield to: reimburse the U.S. National Park Service for costs incurred by the National Park Service in responding to contamination at the Grant-Kohrs Ranch National Historic Site, which is a National Park within the geographic boundary of the Clark Fork Site; pay the National Park Service and the U.S. Bureau of Land Management for natural resource damages restoration work at the Grant Kohrs Ranch and at certain property owned by the U.S. Bureau of Land Management within the Clark Fork Site; and pay the State of Montana for restoration work that the State plans to conduct at the Clark Fork Site and at two other Superfund sites in and near Anaconda and Butte, Montana.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of sixty (60) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Atlantic Richfield*, DJ Ref. No. 90-11-2-430.

The proposed Consent Decree may be examined at the office of the United States Attorney for the District of Montana, 2929 Third Avenue North, Suite 400, Billings, Montana 59101, and at the U.S. EPA Region VIII Montana Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, Montana 59624. During the public comment period, the proposed Consent Decree may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). In addition, a copy of the Consent Decree 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 payable to the U.S. Treasury in the amount of \$41.75 (25 cents per page reproduction cost) for the Consent Decree, plus \$188.00 if you want a copy of the appendices to the Consent Decree and \$8.75 for a copy of

a related consent decree between the State of Montana and the Atlantic Richfield Company regarding the Clark Fork, Anaconda, and Butte Sites.

**Robert Brook,**

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

[FR Doc. E8-2547 Filed 2-11-08; 8:45 am]

**BILLING CODE 4410-CW-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[OMB Number 1117-0003]

#### Agency Information Collection Activities: Proposed Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review; ARCOS Transaction Reporting—DEA Form 333.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until April 14, 2008. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* ARCOS Transaction Reporting—DEA Form 333.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:

*Form Number:* DEA Form 333.

Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract:

*Primary:* Business or other for-profit.

*Other:* None.

*Abstract:* Controlled substances Manufacturers and distributors must report acquisition/distribution transactions to DEA to comply with Federal law and international treaty obligations. This information helps to ensure a closed system of distribution for these substances.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: DEA estimates that 1,173 respondents, with 7,768 responses annually to this collection. DEA estimates that it takes 1 hour to complete the form.

(6) An estimate of the total public burden (in hours) associated with the collection: DEA estimates this collection has a public burden of 7,768 hours annually.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 6, 2008.

**Lynn Bryant,**

*Department Clearance Officer, PRA, Department of Justice.*

[FR Doc. E8-2519 Filed 2-11-08; 8:45 am]

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