

and pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, and 40 CFR 1508.22, the Department of the Interior, acting through Reclamation, provided notice of its intent to prepare an EIS and conduct public scoping meetings for the adoption of a Long-Term Experimental Plan for the operation of Glen Canyon Dam and other associated management activities.

In a **Federal Register** notice published on December 12, 2006, (71 FR 74556–74558), Reclamation provided notice of public scoping meetings on the adoption of a Long-Term Experimental Plan for the operation of Glen Canyon Dam and other associated management activities. Accordingly, public scoping meetings were held in December 2006 and January 2007. Reclamation published a March 2007 scoping report following the conclusion of the scoping process. This report is available on Reclamation's internet site at: <http://www.usbr.gov/uc/rm/gcdltep/scoping/FinalScopingReport.pdf>.

During 2006 and 2007, a significant volume of sediment has been carried by storms into the mainstem of the Colorado River below Glen Canyon Dam and sediment retention in the Grand Canyon below Glen Canyon Dam was higher than anticipated, leading to the largest accumulation of sediment in this reach of the Colorado River since 1998.

During this period, important new information has become available regarding the stabilizing and improving status of the endangered humpback chub. As a result, in December 2007, Reclamation re-initiated Endangered Species Act Section 7 consultation with the U.S. Fish and Wildlife Service on the operation of Glen Canyon Dam. Reclamation's December 2007 Biological Assessment filed with the U.S. Fish and Wildlife Service is available on Reclamation's Internet site at: <http://www.usbr.gov/uc/envdocs/ba/gc-ExpFlow/2007BA.pdf>.

The Section 7 consultation is based on a proposed short-term set of experimental flow actions to be initiated beginning in March 2008 to, in part, capitalize on a unique experimental opportunity that will utilize the recent high sediment input to the Grand Canyon. A proposed March 2008 high-flow release would build on knowledge gained through previous high flow experiments in 1996 and 2004. Beginning in September 2008, Reclamation proposes to initiate steady flow operations for a period of two months (September–October) during each of the next five years (2008 through 2012). These proposed steady flow releases would build on knowledge

gained through previous steady flow experiments in 2000. These experimental high and steady flows have been designed and proposed to assist in—and assess the long term benefits of—the conservation of endangered humpback chub and fine sediment along the Colorado River downstream of Glen Canyon Dam.

As of the date of this **Federal Register** notice, the U.S. Fish and Wildlife Service is preparing a Biological Opinion on the proposed short-term experimental flow actions, and Reclamation is preparing an Environmental Assessment on the proposed action. A final decision on whether to conduct the proposed experimental flow actions is expected to be made in February 2008, after appropriate environmental compliance activities are complete. After completion of these ongoing environmental compliance activities, Reclamation will reassess the proposed Long-Term Experimental Plan and any other associated environmental compliance activities. The Long-Term Experimental Plan approach will then be updated to integrate any decisions that are reached regarding Reclamation's proposed short-term experimental flow actions.

Dated: February 4, 2008.

**Larry Walkoviak,**

*Regional Director, UC Region, Bureau of Reclamation.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Notice of Proposed Information Collection for 1029–0067

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request renewed authority for the collection of information for 30 CFR part 705 and the Form OSM–23, Restriction on financial interests of State employees.

**DATES:** Comments on the proposed information collection must be received by April 14, 2008, to be assured of consideration.

**ADDRESSES:** Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW., Room 202—SIB, Washington, DC 20240. Comments may also be submitted electronically to [jtrelease@osmre.gov](mailto:jtrelease@osmre.gov).

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the information collection requests, explanatory information and related forms, contact John A. Trelease, at (202) 208–2783. You may also review the collection request at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection that OSM will be submitting to OMB for approval. This collection is contained in 30 CFR part 705 and the Form OSM–23, Restriction on financial interests of State employees. OSM will request a 3-year term of approval for this information collection activity.

*Comments are invited on:* (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submission of the information collection request to OMB.

The following information is provided for the information collection: (1) Title of the information collection; (2) OMB control number; (3) summary of the information collection activity; and (4) frequency of collection, description of the respondents, estimated total annual responses, and the total annual reporting and recordkeeping burden for the collection of information.

*Title:* Restrictions on financial interests of State employees, 30 CFR 705.

*OMB Control Number:* 1029–0067.

*Summary:* Respondents supply information on employment and financial interests. The purpose of the collection is to ensure compliance with section 517(g) of the Surface Mining control and Reclamation Act of 1977, which placed an absolute prohibition on

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.*

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## 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.*

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## 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