

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R2-ES-2008-N0024; 20124-1113-0000-F2]

**CT 620 Partnership Incidental Take Permit Amendment****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of availability and 30-day public comment period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received from CT 620 Partnership (Applicant) a request to amend an existing Incidental Take Permit (Permit), TE036095, under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). If we grant it, the amendment would update the methodology we used to calculate the mitigation fee for this permit to the methodology we presently use to calculate new fees for permits of this type. This amendment would not alter the level of authorized take.

**DATES:** To ensure consideration, we must receive any written comments on or before November 3, 2008.

**ADDRESSES:** Persons wishing to review the amendment request may obtain copies by calling or faxing the U.S. Fish and Wildlife Service Austin Office, 10711 Burnet Road, Suite 200, Austin, TX 78758 (512/490-0057, voice; 512/490-0974, fax). The amendment request will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the above office. During the 30-day public comment period, written comments or data should be submitted to the Field Supervisor at the above address. Please refer to TE-036095-1 when submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Adam Zerrenner, Field Supervisor (contact information above).

**Public Availability of Comments**

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment-including your personal identifying information-may be made publicly available at any time. While you can request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from

organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

**Background**

We issued CT 620's original incidental take permit on April 30, 2001, for a 30-year period (to last until April 30, 2031). Prior to issuing this permit, we published a notice of availability and request for comments on the proposed permit, an environmental assessment, and a habitat conservation plan in the **Federal Register** on December 26, 2000 (65 FR 81540). The requested amendment to the permit would not change the length or terms of the permit, other than changing the required mitigation fee to align with the Service's current policy to use the methodology adopted by the Balcones Canyonlands Preserve in July 2007. CT 620's Permit allows for incidental take of golden-cheeked warbler habitat during the construction of nine residences on portions of 50.08 acres on Hughes Park Road near RR 620, Austin, Travis County, Texas. The development will eliminate approximately 16 acres of GCWA habitat. Under the current permit, CT 620 must pay a mitigation fee of \$304,000 to Travis County to be used by the Balcones Canyonlands Preserve for the purchase and preservation of 32 acres (at a cost of \$9,500 per acre) of GCWA habitat before construction the property begins. CT 620 is requesting that the mitigation fee be recalculated at a fee of \$5,000 per acre which was adopted in July 2007. The new mitigation fee to purchase 32 acres would be \$160,000.

Section 9 of the Act prohibits the "taking" of threatened or endangered species. However, the Service, under limited circumstances, may issue permits to take threatened and endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities.

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

**Benjamin N. Tuggle,**

*Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. E8-23242 Filed 10-1-08; 8:45 am]

**BILLING CODE 4310-55-P****DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****Colorado River Basin Salinity Control Advisory Council****AGENCY:** Bureau of Reclamation, Interior.**ACTION:** Notice of public meeting.

**SUMMARY:** The Colorado River Basin Salinity Control Advisory Council (Council) was established by the Colorado River Basin Salinity Control Act of 1974 (Pub. L. 93-320) (Act) to receive reports and advise federal agencies on implementing the Act. In accordance with the Federal Advisory Committee Act, the Bureau of Reclamation announces that the Council will meet as detailed below.

**DATES AND LOCATION:** The Council will conduct its meeting at the following time and location:

Wednesday, October 29, 2008—San Diego, California—The meeting will be held at the Bahia Resort Hotel, 998 W. Mission Bay Drive. The meeting will begin at 9 a.m., recess at approximately 2 p.m., and reconvene briefly the following day at 1 p.m.

**ADDRESSES:** The meeting of the Council is open to the public. Any member of the public may file written statements with the Council before, during, or up to 30 days after the meeting, in person or by mail. To the extent that time permits, the Council chairman will allow public presentation of oral comments at the meeting. To allow full consideration of information by Council members, written notice must be provided to Kib Jacobson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138-1147; telephone (801) 524-3753; facsimile (801) 524-3826; e-mail at: [kjacobson@uc.usbr.gov](mailto:kjacobson@uc.usbr.gov) at least FIVE (5) days prior to the meeting. Any written comments received prior to the meeting will be provided to Council members at the meeting.

**FOR FURTHER INFORMATION CONTACT:** Kib Jacobson, telephone (801) 524-3753; facsimile (801) 524-3826; e-mail at: [kjacobson@uc.usbr.gov](mailto:kjacobson@uc.usbr.gov).

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting will be to discuss the accomplishments of federal agencies and make recommendations on future activities to control salinity. Council members will be briefed on the status of salinity control activities and receive input for drafting the Council's annual report. The Bureau of Reclamation, Bureau of Land

Management, U.S. Fish and Wildlife Service, and United States Geological Survey of the Department of the Interior; the Natural Resources Conservation Service of the Department of Agriculture; and the Environmental Protection Agency will each present a progress report and a schedule of activities on salinity control in the Colorado River Basin. The Council will discuss salinity control activities and the contents of the reports.

#### Public Disclosure

Before including your name, address, telephone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: September 10, 2008.

**Wayne Xia,**

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

[FR Doc. E8-23106 Filed 10-1-08; 8:45 am]

**BILLING CODE 4310-MN-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Water Act

Notice is hereby given that on September 12, 2008, a proposed consent decree (the "Decree") in *United States and State of Oregon v. Truax Oil, Inc.*, Civil Action No. 3:08-cv-01063-KI, was lodged with the United States District Court for the District of Oregon.

In this action the United States and State of Oregon sought civil penalties for Defendant Truax Oil's spill of approximately 11,000 gallons of oil from a tanker truck owned and operated by Truax. Truax owns and operates a liquid petroleum transport company based in Corvallis, Oregon. On March 11, 2006, a tanker truck owned and operated by Truax carrying approximately 9,000 gallons of gasoline and 2,000 gallons of diesel fuel overturned while traveling on U.S. Highway 5, at Milepost 118, near Roseburg, Oregon. Gasoline and diesel that did not ignite in the ensuing fire spilled into a soil embankment beside the highway and migrated to an unnamed tributary to Roberts Creek, a tributary of the South Fork of the Umpqua River. Truax's discharge of gasoline and diesel to the Umpqua River and its tributaries violated the Clean Water Act and Oregon law. Under the

consent decree, Truax will pay the United States and the State of Oregon civil penalties of \$117,500 and \$20,000, respectively.

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, 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 and State of Oregon v. Truax Oil, Inc.*, Civil Action No. 3:08-cv-01063-KI, D.J. Ref. 90-5-1-1-09015.

The consent decree may be examined at the Office of the United States Attorney, Mark O. Hatfield U.S. Courthouse, 1000 S.W. Third Avenue, Suite 600, Portland, OR 97204, and at U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101. 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/ConsentDecrees.html>. 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 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. When requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$4.00 (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.

**Robert E. Maher, Jr.,**

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

[FR Doc. E8-23092 Filed 10-1-08; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association

Notice is hereby given that, on August 14, 2008, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Portland Cement

Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, California Portland Cement Company, Glendale, CA; CPC Terminals, Glendale, AZ; and Arizona Portland Cement Co., Phoenix, AZ have changed their names to CalPortland, Glendale, CA. In addition, MikroPul, Charlotte, NC has become an Associate Member.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, PCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 5, 1985 (50 FR 5015).

The last notification was filed with the Department on February 25, 2008. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 24, 2008 (73 FR 15538).

**Patricia A. Brink,**

*Deputy Director of Operations, Antitrust Division.*

[FR Doc. E8-23055 Filed 10-1-08; 8:45 am]

**BILLING CODE 4410-11-M**

## DEPARTMENT OF LABOR

### Mine Safety and Health Administration

#### Petition for Modification

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of petition for modification of an existing mandatory safety standard.

**SUMMARY:** Section 101(c) of the Federal Mine Safety and Health Act of 1977 and 30 CFR Part 44 govern the application, processing, and disposition of petitions for modification. This notice is a summary of a petition for modification filed by the party listed below to modify the application of an existing mandatory safety standard published in Title 30 of the Code of Federal Regulations.

**DATES:** All comments on the petition must be received by the Office of Standards, Regulations, and Variances on or before November 3, 2008.