

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/Consent-Decrees.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.

**ADDRESSES:** You may submit your comments, identified by “docket number” on the subject line, by any of the following methods:

1. *Electronic Mail: Standards-Petitions@dol.gov.*
2. *Facsimile: 1-202-693-9441.*
3. *Regular Mail:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.
4. *Hand-Delivery or Courier:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, Virginia 22209, Attention: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments. Individuals who submit comments by hand-delivery are required to check in at the receptionist desk on the 21st floor.

Individuals may inspect copy of the petition and comments during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Barbara Barron, Office of Standards, Regulations, and Variances at 202-693-9447 (Voice), [barron.barbara@dol.gov](mailto:barron.barbara@dol.gov) (E-mail), or 202-693-9441 (Telefax). [These are not toll-free numbers.]

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary determines that: (1) An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or (2) that the application of such standard to such mine will result in a diminution of safety to the miners in such mine. In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modifications.

##### **II. Petitions for Modification**

*Docket Number:* M-2008-044-C.  
*Petitioner:* Summit Engineering, Inc., P.O. Box 130, 3016 Rt. 10, Chapmanville, West Virginia 25508 on behalf of INR-WV Operating, LLC.

*Mine:* Saunders Prep. Plant, MSHA I.D. No. 46-02140, located in Logan County, West Virginia.

*Regulation Affected:* 30 CFR 77.214(a) (Refuge piles; general).

*Modification Request:* The petitioner requests a modification of the existing standard which prohibits refuse piles to be located over abandoned openings to permit abandoned mine openings to be backfilled with inert non-acid producing soil. The petitioner states that: (1) The soil will extend approximately 25 feet into the mine and at least 4 feet in all directions beyond the limits of the mine opening; (2) the existing mine openings are within the foot print of INR’s North Rock Refuse Area; (3) the mine openings are from the Buffalo Mining Company’s No. 5 Mine; (4) production at the mine ceased in 1972 and has been abandoned since then; and (5) mine openings within the foot print are up-dip from additional openings outside of the foot print of the refuse area, and are dry. The petitioner further states that: (1) There is significant flow coming out of mine openings down-dip from the refuse area; (2) the entries down-dip of the refuse areas will be left open to allow drainage to continue and not impound water; (3) any exposed coal seam along the mine bench will be covered with soil to at least 4 feet above the seam; (4) a riprap rock underdrain connected to the underdrain of the refuse fill will be installed along the mine openings consisting of durable sandstone wrapped in filter fabric; (5) one 12-inch SDR-11 high density polyethylene pipe will be placed at the mine opening with the lowest elevation; (6) the combination of the underdrain and pipe will serve to handle localized drainage; and (7) breaker rock coal refuse will be placed in the fill in accordance with the approved West Virginia Department of Environmental Protection Surface Mining Control and Reclamation Act permit. The petitioner asserts that since the existing mine is abandoned, this plan will provide the same measure of protection for the miners as the existing standard.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. E8-23186 Filed 10-1-08; 8:45 am]

**BILLING CODE 4510-43-P**

## **DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

[Docket No. OSHA-2008-0040]

#### **Vehicle-Mounted Elevating and Rotating Work Platforms (Aerial Lifts); Extension of the Office of Management and Budget’s (OMB) Approval of Information Collection (Paperwork) Requirements**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Request for public comment.

**SUMMARY:** OSHA solicits comments concerning its proposal to extend OMB approval of the information collection requirement contained in the Standard on Vehicle-Mounted Elevating and Rotating Work Platforms (Aerial Lifts) (29 CFR 1910.67). The purpose of the requirement is to reduce employees’ risk of death or serious injury by ensuring that aerial lifts are in safe operating condition.

**DATES:** Comments must be submitted (postmarked, sent, or received) by December 1, 2008.

**ADDRESSES:** *Electronically:* You may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

*Facsimile:* If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

*Mail, hand delivery, express mail, messenger, or courier service:* When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA-2008-0040, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor’s and Docket Office’s normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

*Instructions:* All submissions must include the Agency name and OSHA docket number for the ICR (OSHA-2008-0040). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at <http://www.regulations.gov>. For further information on submitting comments see the “Public