

relief concerning Plant Miller alleged by the United States and Alabama Environmental Council, Inc. in their respective complaints would be resolved, and APC would be required to (1) Commence continuous year-round operation of Selective Catalytic Reduction ("SCR") technology at each of Plant Miller Units 3 and 4 for control of nitrogen oxide ("NO<sub>x</sub>") emissions on a year-round basis beginning in 2008, and thereafter achieve and maintain specified NO<sub>x</sub> emission rates from those units; (2) install and begin year-round operation of Flue Gas Desulfurization ("FGD" or "scrubber") technology at each of Plant Miller Units 3 and 4 for control of sulfur dioxide ("SO<sub>2</sub>") emissions by December 31, 2011, and thereafter maintain a specified SO<sub>2</sub> emission removal efficiency for those units; (3) achieve by December 31, 2006, and thereafter maintain a specified emission rate for particulate matter ("PM") emissions from Plant Miller Units 3 and 4; and (4) install and operate by December 31, 2008, and thereafter report to EPA data collected from, a mercury continuous emissions monitoring system ("Mercury CEMS") at Plant Miller Units 3 and 4. In addition, the Consent Decree would require APC to purchase and permanently retire \$4.9 million worth of vintage 2007 SO<sub>2</sub> emissions allowances, restrict APC's right to transfer any surplus SO<sub>2</sub> emissions allowances it may generate from Plant Miller Units 3 and 4 after the year 2020, and require APC to pay a civil penalty of \$100,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the above-described Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States, et al. v. Alabama Power Company*, D.J. Ref. No. 90-5-2-1-06994.

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/open.html>. A copy of the proposed 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. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of

\$14.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Bruce S. Gelber,**

*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, 42 U.S.C. 9601 Through 9675

Notice is hereby given that on April 21, 2006, a proposed consent decree ("decree") in *CoZinCo, Inc. v. The United States Environmental Protection Agency, et al.*, Civil Action No. 98-K-1724 (Consolidated with 98-K-2110), was lodged with the United States District Court for the District of Colorado.

In this action the United States sought past and future response costs pursuant to sections 107(a) and 113(g)(2) of CERCLA, 42 U.S.C. 9607(a) and 9613(g)(2), for groundwater contamination allegedly relating to CoZinCo's facility located on Operable Unit 3 of the Smelertown Superfund Site ("Site") in Salida, Colorado. CoZinCo has pursued reimbursement claims under section 106(b) of CERCLA, 42 U.S.C. 9606(b), claims for attorneys fees, and a counterclaim under the Federal Tort Claims Act against the United States. The proposed consent decree would resolve all claims asserted, or which could be asserted, by CoZinCo against the United States at this Site in exchange for CoZinCo's payment of \$100,000 to the Environmental Protection Agency.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *CoZinCo, Inc. v. The United States Environmental Protection Agency, et al.*, Civil Action No. 98-K-1724 (Consolidated with 98-K-2110), D.J. Ref. No. DJ #90-11-3-1522/A, 1522/2, & 90-11-6-05232.

The decree may be examined at U.S. EPA Region 8, 999 18th Street, Suite 300, Denver, Colorado 80202. During the public comment period, the decree may also be examined on the following Department of Justice Web site, <http://www.usdoj.gov/enrd/open.html>, a copy

of the 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. In requesting a copy from the consent Decree Library, please enclose a check in the amount of \$5.00 payable to the U.S. Treasury.

**Robert D. Brook,**

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

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## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review: Comment Request

April 27, 2006.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Ira Mills on 202-693-4122 (this is not a toll-free number) or E-Mail: [Mills.Ira@dol.gov](mailto:Mills.Ira@dol.gov) or access the documents online at <http://www.doleta.gov/OMBControlNumber.cfm>. Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503, 202-395-7316 (this is not a toll free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- 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