Issued in Arlington, Virginia, on August 4, 2011.

Joanna Johnson,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

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BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Class III Gaming Compact taking effect.

SUMMARY: This publishes notice of the Tribal-State Compact between the State of California and the Habematolel Pomo of Upper Lake taking effect.

DATES: Effective Date: August 10, 2011.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA) Public Law 100–497, 25 U.S.C. § 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Compact allows for one gaming facility and authorizes up to 750 gaming devices, any banking or percentage card games, and any devices or games authorized under state law to the state lottery. The Compact, also, authorizes limited annual payments to the State for statewide exclusivity. Finally, the term of the compact is until December 31, 2031. This Compact is considered to have been approved but only to the extent that the Compact is consistent with the provisions of the Indian Gaming Regulatory Act.

Dated: August 3, 2011.

Jodi Gillette,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 2011–20316 Filed 8–9–11; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes an extension of the Tribal-State gaming compact between the Oglala Sioux Tribe and the State of South Dakota.

DATES: *Effective Date:* August 10, 2011.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. This amendment allows for the extension of the current Tribal-State Class III gaming compact between the Oglala Sioux Tribe and the State of South Dakota until December 31, 2011.

Dated: August 2, 2011.

Donald E. Laverdure,

Principal Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 2011–20273 Filed 8–9–11; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF JUSTICE

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

Notice is hereby given that on August 4, 2011, a proposed Consent Decree in *United States, State of Missouri, and the Missouri Coalition for the Environment Foundation* v. *Metropolitan St. Louis Sewer District,* No. 4:07–CV–01120, was lodged with the United States District Court for the Eastern District of Missouri.

In this action the United States sought civil penalties and injunctive relief for violations of the Clean Water Act (''CWA''), 33 U.S.C. 1251, *et seq.,* in connection with the Metropolitan St. Louis Sewer District's (''MSD's'') operation of its sewer system in the City of St. Louis and St. Louis County, Missouri. The Complaint alleged that MSD's discharges of raw sewage from its sanitary sewer system—discharges that often are referred to as Sanitary Sewer Overflows or ''SSOs''—and from MSD's combined storm water and sanitary sewer system—discharges that often are referred to as Combined Sewer Overflows or ''CSOs''—violate MSD's National Pollutant Discharge Elimination System (''NPDES'') permits and Section 301 of the CWA, 33 U.S.C. 1311. The Complaint also alleged that the chronic and repeated backups of raw sewage into homes, yards, playgrounds, parks, and streets from MSD's sewer system pose an ''imminent and substantial endangerment'' to human health under Section 504(a) of the CWA 33 U.S.C. 1364(a). The Missouri Coalition for the Environment Foundation moved to intervene as a co-plaintiff in the federal action, and when its motion was granted by the Court, filed its Complaint in Intervention, alleging similar CWA claims against MSD.

The proposed Consent Decree will resolve the United States' CWA claims. Under the proposed Consent Decree, MSD will be required to implement comprehensive injunctive relief to expand and rehabilitate both its combined sewer system and its sanitary sewer system to reduce or eliminate unlawful SSOs and CSOs into various rivers and streams, as well as discharges to basements and from manholes or other discharge points in the St. Louis area. This injunctive relief will be performed over a 23-year period at a project cost of $4.7 billion. MSD will pay a total civil penalty of $1.2 million to the United States, and spend $1.6 million to carry out a program that will enable low income residents to elect to close their septic tanks and connect to the public sewer or to replace leaking private sewer lines. The consent decree also contains provisions pertaining to the claims of the Missouri Coalition for the Environment Foundation against MSD. The proposed Consent Decree has been signed by the United States, the Missouri Coalition for the Environment Foundation, and MSD.

For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the proposed 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* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. The comments should refer to *United States, et al.* v. *Metropolitan St. Louis Sewer District,* D.J. Ref. 90–5–1–1–08111.

During the public comment period, the proposed Consent Decree may be examined on the Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the proposed consent decree may be obtained by mailing a request to the Consent Decree Library, P.O. Box 7611,

U.S. Department of Justice, Washington, DC 20044–7611. When requesting a copy by mail, please enclose a check payable to the U.S. Treasury in the amount of $29.25 (25 cents per page reproduction cost). A copy may also be obtained by e-mailing or faxing a request to Tonia Fleetwood, *tonia.fleetwood@usdoj.gov,* fax number (202) 514–0097, phone confirmation number (202) 514–1547, and mailing a check for the reproduction cost to the Consent Decree Library.

Robert E. Maher, Jr.,

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

[FR Doc. 2011–20321 Filed 8–9–11; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Jose Gonzalo Zavaleta, M.D.; Denial of Application

On February 23, 2009, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause (Order) to Jose Gonzalo Zavaleta, M.D. (Applicant), of Pineville, Louisiana. The Order proposed the denial of Applicant's pending application for a DEA Certificate of Registration as a practitioner, on the ground that his registration would be ''inconsistent with the public interest.'' Order at 1 (citing 21 U.S.C. 823(f)).

The Order alleged that Applicant voluntarily surrendered his DEA Certificate of Registration, BZ5998250, on March 26, 2008, after being charged with six counts of prescribing controlled substances beyond authority and accepted medical treatment, in violation of La. Rev. Stat. Ann. § 40:971 (C)(1)(2008) (effective Aug. 15, 2006). *Id.* The Order further alleged that Applicant prescribed controlled substances to undercover agents with ''cursory or no medical examinations, and without a legitimate medical purpose in violation of 21 U.S.C. 841(a)(1).'' *Id.* More specifically, the Order alleged that Applicant prescribed a total of 75 dosage units of hydrocodone (including Lortab and/or Lorcet), which are schedule III narcotics; 20 dosage units of Xanax, a schedule IV controlled substance; and six ounces of Phenergan with codeine, a schedule V narcotic cough syrup. *Id.* Finally, the Order that alleged ''[Applicant] facilitated the undercover officers' procurement of drugs by fraudulent means'' when he advised them to ''provide false medical information'' to justify ''illegitimate prescriptions.'' *Id.* at 2.

On March 2, 2009, the Order, which also notified Applicant of his right to either request a hearing on the allegations or to submit a written statement in lieu of a hearing, the procedures for doing so, and the consequence if he failed to do so, was served on Applicant by certified mail addressed to him at the address listed on his application. *Id.* at 2 (citing 21 CFR 1316.47; 21 CFR 1301.43). Since service of the Order, more than thirty days have now passed and neither Applicant, nor anyone purporting to represent him, has either requested a hearing or submitted a written statement in lieu of a hearing. *See* 21 CFR 1301.43(b)–(d). Accordingly, I find that Applicant has waived his rights to a hearing or to submit a written statement. *Id.* 1301.43(d). I therefore issue this Decision and Final Order without a hearing based on relevant material contained in the investigative record submitted by the Government. I make the following findings.

Findings

Applicant was previously the holder of DEA Certificate of Registration, BZ5998250, which authorized him to dispense controlled substances in schedules II through V as a practitioner at the registered location of 5629 Jackson Street Ext, Alexandria, Louisiana. Affidavit of Diversion Investigator (hereinafter, DI Aff.), at 1; Applicant Registration Information, at 1. However, on March 26, 2008, concurrent with Applicant's arrest on state drug charges (the circumstances of which are set forth below), he voluntarily surrendered his registration. DI Aff., at 1. Applicant's registration was then retired by DEA on March 27, 2008. Applicant Registration Information, at 1. On July 28, 2008, Applicant applied for a new DEA registration as a practitioner in schedules IV and V. *Id.*

Applicant first came to the attention of law enforcement on January 17, 2008, when Louisiana State Police received a call from a pharmacist that he had authorized prescriptions for ''excessive amounts of name brand narcotics with no generic substitutions allowed.'' DI Aff., at 2. Upon receipt of this information, an undercover state trooper (UC1) visited Applicant's clinic with audio/video recording equipment on January 23, 2008. *Id.* When Applicant asked UC1 ''why he was there,'' UC1 responded by requesting ''[h]ydrocodone pain pills.'' *Id.* UC1 ''initially denied that he was in pain but, after negotiating with [Applicant], he agreed to falsely state that he was suffering from a sexually transmitted disease,'' and Applicant recorded this false information in UC1's medical file. *Id.* Then, Applicant, without any physical examination to verify the claim of illness or symptoms, wrote prescriptions for 15 Lortab [1] pills and an antibiotic. *Id.* The undercover agent paid $100 for the visit. *Id.*

Five days later, on January 28, 2008, UC1 returned to Applicant's clinic seeking additional ''pain pills.'' *Id.* However, Applicant denied his request for more pain pills ''because 'big brother' was watching him.'' *Id.*

Thereafter, on January 30, February 8, and February 28, 2008, a second state trooper (UC2) visited Applicant's clinic in an undercover capacity, while equipped with an audio/video recording device. *Id.* At UC2's first visit, Applicant issued her a prescription for hydrocodone,[2] notwithstanding UC2's ''initially den[ying] she was in pain'' and ''later stat[ing] she was in pain in order to obtain a prescription for hydrocodone.'' *Id.* At her second visit on February 8, Applicant provided prescriptions for hydrocodone and Phenergan with codeine,[3] the latter being a cough syrup, ''even though she had no cough or congestion and exhibited no such symptoms.'' *Id.* On UC2's third visit, she requested and obtained from Applicant, prescriptions for hydrocodone and Xanax.[4] *Id.* To justify issuing the prescriptions, Applicant ''coached'' UC2 about what to say and recorded the coached statements in her medical file. *Id.* At the undercover visits, Applicant never ''require[d] any medical records nor did he conduct any physical examinations.'' *Id.*

On March 20, 2008, after a state court judge issued a warrant for Applicant's arrest, Louisiana State Police alerted DEA to the investigation and pending arrest. *Id.* Thereafter, on March 26, 2008, Applicant was arrested and charged with ''six counts of prescribing beyond authority and accepted medical treatment, a violation of Louisiana Revised Statute 40:971C(1).'' *Id.* at 3. Based on Applicant's arrest, a DEA Diversion Investigator asked for the voluntary surrender of his DEA

[1] Lortab, which is a combination drug containing hydrocodone and acetaminophen, is a schedule III controlled substance. 21 CFR 1308.13(e)(iv).

[2] Hydrocodone is typically combined with acetaminophen. In this formulation, it is a schedule III controlled substance. 21 CFR 1308.13(e)(iv).

[3] Phenergan with codeine cough syrup consists of a combination of promethazine and codeine; it is a schedule V controlled substance. 21 CFR 1308.15(c).

[4] Xanax (alprazolam) is a schedule IV controlled substance; 21 CFR 1308.14(c)(1).