

Chuchuna Minerals, and USACE; and considering the information provided during the Agency's meeting with the State of Alaska, the Assistant Administrator for Water has determined that certain discharges of dredged or fill material associated with developing the Pebble deposit into certain waters of the United States will have unacceptable adverse effects on anadromous fishery areas and affirms the Recommended Determination.

## V. Final Determination

Based on information in PLP's CWA Section 404 permit application, the FEIS, and the ROD, discharges of dredged or fill material to construct and operate the 2020 Mine Plan's proposed mine site would result in the permanent loss of approximately 8.5 miles (13.7 km) of anadromous fish streams, 91 miles (147 km) of additional streams that support anadromous fish streams, and approximately 2,108 acres (8.5 km<sup>2</sup>) of wetlands and other waters in the SFK and NFK watersheds that support anadromous fish streams. These discharges would also result in streamflow alterations that would adversely affect approximately 29 miles (46.7 km) of additional anadromous fish streams downstream of the mine site due to greater than 20 percent changes in average monthly streamflow.

The EPA has determined that the large-scale loss of and damage to headwater streams, wetlands, and other aquatic resources that support salmon populations in the SFK and NFK watersheds from the discharge of dredged or fill material for the construction and routine operation of the 2020 Mine Plan will have unacceptable adverse effects on anadromous fishery areas in the SFK and NFK watersheds. The EPA has also determined that discharges of dredged or fill material for the construction and routine operation of a mine to develop the Pebble deposit anywhere in the mine site area that would result in the same or greater levels of loss or streamflow changes as the 2020 Mine Plan also will have unacceptable adverse effects on anadromous fishery areas in the SFK and NFK watersheds, because such discharges would involve the same aquatic resources characterized as part of the evaluation of the 2020 Mine Plan.

To prevent these unacceptable adverse effects, the Final Determination prohibits the specification of certain waters of the United States in the SFK and NFK watersheds as disposal sites for the discharge of dredged or fill material for the construction and routine operation of the 2020 Mine Plan,

including future proposals to construct and operate a mine to develop the Pebble deposit with discharges of dredged or fill material into waters of the United States that would result in the same or greater levels of aquatic resource loss or streamflow changes as the 2020 Mine Plan. The Defined Area for Prohibition encompasses certain headwaters of the SFK and NFK watersheds and is delineated by the entirety of the Public Land Survey System (PLSS) quarter sections where mine site discharges were proposed in PLP's 2020 Mine Plan.

Separately, the EPA has also determined that discharges of dredged or fill material associated with future proposals to construct and operate a mine to develop the Pebble deposit will have unacceptable adverse effects on anadromous fishery areas (including spawning and breeding areas) anywhere in the SFK, NFK, and UTC watersheds if the adverse effects of such discharges are similar or greater in nature and magnitude to the adverse effects of the 2020 Mine Plan.

To prevent these unacceptable adverse effects, the Final Determination restricts the use for specification of certain waters of the United States in the SFK, NFK, and UTC watersheds as disposal sites for the discharge of dredged or fill material associated with future proposals to construct and operate a mine to develop the Pebble deposit with discharges of dredged or fill material into waters of the United States that would result in adverse effects similar or greater in nature and magnitude to the adverse effects of the 2020 Mine Plan. The Defined Area for Restriction encompasses certain headwaters of the SFK, NFK, and UTC watersheds where discharges associated with developing the Pebble deposit are likely. To the extent that future discharges are subject to the prohibition, the restriction will not apply.

The aquatic resources that would be lost or damaged by the discharges evaluated by the EPA play an important role in supporting salmon populations in the SFK, NFK, and UTC watersheds. Such resources are also integral components of a larger ecosystem, which helps support the health of the Bristol Bay watershed, an area of unparalleled ecological value, boasting salmon diversity and productivity unrivaled anywhere in North America. The watershed is made up of intact, connected habitats—from headwaters to ocean—that support abundant, genetically diverse wild Pacific salmon populations. The Bristol Bay watershed's Sockeye Salmon run is the world's largest, producing

approximately half of the world's Sockeye Salmon. The watershed's Chinook, Coho, Chum, and Pink salmon populations are also significant. Bristol Bay's salmon populations support world-class, economically important commercial and sport fisheries, as well as a more than 4,000-year-old subsistence-based way of life for Alaska Natives.

Proposals to discharge dredged or fill material into waters of the United States associated with developing the Pebble deposit that are not subject to this final determination remain subject to all statutory and regulatory authorities and requirements under CWA Section 404.

Considering the immense and unique economic, social, cultural, and ecological value of the aquatic resources in the region, including the fishery areas in the SFK, NFK, and UTC watersheds and their susceptibility to damage, the EPA will carefully evaluate all future proposals to discharge dredged or fill material in the region.

**Radhika Fox,**

*Assistant Administrator.*

[FR Doc. 2023-02287 Filed 2-2-23; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA-HQ-OGC-2023-0055; FRL-10631-01-OGC]**

### Proposed Consent Decree, Resource Conservation and Recovery Act Citizen Suit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with the Environmental Protection Agency (EPA) Administrator's March 18, 2022, Memorandum entitled Consent Decrees and Settlement Agreements to Resolve Environmental Claims Against the Agency, this will provide notice and opportunity for public comment on a proposed Consent Decree in the matter of *Statewide Organizing for Community eMpowerment v. U.S. Environmental Protection Agency*, No. 1:22-cv-2562-JDB (D.D.C.).

On August 25, 2022, a coalition of environmental organizations filed a complaint in the United States District Court for the District of Columbia. In the complaint, Plaintiffs allege that EPA has violated section 2002(b) of the Resource Conservation and Recovery Act (RCRA), by failing to perform its non-discretionary duty under to review and,

if necessary, revise a regulation that exempts inactive coal combustion residuals (CCR) landfills from the CCR disposal regulations. The proposed consent decree would establish deadlines for EPA to sign proposed and final actions.

**DATES:** Written comments on the proposed consent decree must be received by March 6, 2023.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0055, online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

**Instructions:** All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Additional Information about Commenting on the Proposed Consent Decree" heading under the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Laurel Celeste, Solid Waste and Emergency Response Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564-1751; email address [celeste.laurel@epa.gov](mailto:celeste.laurel@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Obtaining a Copy of the Proposed Consent Decree**

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2023-0055) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are

available electronically. Once in the system, key in the appropriate docket identification number then select "search."

##### **II. Additional Information About the Proposed Consent Decree**

On August 25, 2022, a coalition of environmental organizations (collectively "Plaintiffs") filed a complaint in the United States District Court for the District of Columbia alleging that EPA had failed to perform its non-discretionary duty under RCRA section 2002(b) of RCRA, 42 U.S.C. to review and, if necessary, revise a regulation that exempts inactive CCR landfills from the CCR disposal regulations at 40 CFR part 257. 40 CFR 257.50(d). "Inactive" CCR landfills are those that stopped receiving waste before October 17, 2016.

RCRA provides that "Each regulation promulgated under this chapter shall be reviewed and, where necessary, revised not less frequently than every three years." 42 U.S.C. 6912(b). Citizens may file a claim against EPA for failure to comply with a mandatory duty. Any person may commence a civil action against the Administrator "where there is alleged a failure of the Administrator to perform any act or duty under this chapter which is not discretionary with the Administrator." 42 U.S.C. 6972(a)(2).

The proposed consent decree, if finalized, would establish deadlines for EPA to take certain actions under RCRA. Specifically, the proposed consent decree would require that EPA: (1) on or before May 5, 2023, either complete a review of 40 CFR 257.50(d), and determine that no revision is necessary or sign a proposed rule to revise 40 CFR 257.50(d); and (2) if a proposal has been issued, take final action regarding EPA's proposed revision of 40 CFR 257.50(d), no later than May 6, 2024.

In accordance with the EPA Administrator's March 18, 2022, Memorandum entitled Consent Decrees and Settlement Agreements to Resolve Environmental Claims Against the Agency, for a period of thirty (30) days following the date of publication of this document, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

##### **III. Additional Information About Commenting on the Proposed Consent Decree**

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0055, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket

system is an “anonymous access” system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

**Jennifer Lewis,**

*Acting Associate General Counsel.*

[FR Doc. 2023–02351 Filed 2–2–23; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–055]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed January 23, 2023 10 a.m. EST

Through January 30, 2023 10 a.m. EST  
Pursuant to 40 CFR 1506.9.

*Notice:* Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA’s comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

*EIS No. 20230013, Final, USAF, AR, Beddown of a Foreign Military Sales Pilot Training Center at Ebbing Air National Guard Base, Arkansas or Selfridge Air National Guard Base, Michigan, Review Period Ends: 03/06/2023, Contact: David Martin 210–925–4266.*

*EIS No. 20230014, Final, STB, MO, Canadian Pacific Acquisition of Kansas City Southern, Review Period Ends: 03/06/2023, Contact: Danielle Gosselin 202–245–0300.*

*EIS No. 20230015, Final Supplement, BLM, AK, Final Supplemental Environmental Impact Statement for the Willow Master Development Plan, Alaska, Review Period Ends: 03/06/2023, Contact: Carrie Cecil 907–271–1306.*

*EIS No. 20230016, Final Supplement, USFS, MT, Gold Butterfly Project, Review Period Ends: 03/13/2023, Contact: Matthew Anderson 406–363–7121.*

Dated: January 30, 2023.

**Cindy S. Barger,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2023–02319 Filed 2–2–23; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0056; FR ID 125135]

### Information Collection Being Reviewed by the Federal Communications Commission

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission’s burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before April 4, 2023. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicole Ongele, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [nicole.ongele@fcc.gov](mailto:nicole.ongele@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Nicole Ongele, (202) 418–2991.

### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060–0056.

*Title:* Part 68, Connection of Terminal Equipment to the Telephone Network.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents and Responses:* 41,354 respondents; 44,423 responses.

*Estimated Time per Response:* 0.25 hours–40 hours.

*Frequency of Response:* On occasion reporting requirement, third party disclosure requirement, and recordkeeping requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 201–205 and 303(r).

*Total Annual Burden:* 12,869 hours.

*Total Annual Cost:* \$508,250.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* Part 68 rules do not require respondents to provide proprietary, trade secret or other confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to section 0.459 of the FCC’s rules, 47 CFR 0.459.

*Needs and Uses:* The purpose of 47 CFR part 68 is to protect the telephone network from certain types of harm and prevent interference to subscribers. To (1) demonstrate that terminal equipment complies with criteria for protecting the network and (2) ensure that consumers, providers of telecommunications, the Commission and others are able to trace products to the party responsible for ensuring compliance with these criteria; it is essential to require manufacturers or other responsible parties to provide the information required by Part 68. In addition, incumbent local exchange carriers must provide the information in Part 68 to warn their subscribers of impending disconnection of service when subscriber terminal equipment is causing telephone network harm, and to inform subscribers of a change in network facilities that requires modification or alteration of subscribers’ terminal equipment.