

in the **Federal Register** with the Department of Commerce's National Oceanic and Atmospheric Administration, National Marine Fisheries Service (80 FR 95164; December 27, 2016).

### Proposed Action

The existing permitted CCAA is authorized for 25 years and covers agricultural activities in Alfalfa, Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Washita, Woods, and Woodward Counties, in Oklahoma. This area constitutes the CCAA's planning area, with covered areas being non-Federal lands within the planning area that provide suitable habitat for LEPC, or have the potential to provide suitable LEPC habitat with the implementation of appropriate conservation management practices. The ODWC has applied for an amendment to the CCAA to increase the conservation benefit of the CCAA for LEPC in Oklahoma by increasing enrollment from the current maximum of 400,000 acres to 1,000,000 acres by 2037, throughout the 14 Oklahoma counties described in the CCAA. This would more than double the conservation program currently being implemented on agricultural lands within the planning range of the LEPC under the current EOS permit held by ODWC. This CCAA contributes to a larger conservation effort for the LEPC across its range within Colorado, Kansas, New Mexico, Oklahoma and Texas.

Pursuant to the CCAA, ODWC will enroll participating landowners through issuance of certificates of inclusion. Participating landowners who are fully implementing the CCAA provisions of the EOS permit will be provided assurances that, should the LEPC become listed, the Service will not require them to provide additional land, water, or financial resources, nor will there be any further restrictions to their land, water, or financial resources than those they committed to under the CCAA provisions. Furthermore, if the LEPC is listed, participating landowners would be provided incidental take authorization for LEPC under the EOS permit for the level of incidental take on the enrolled lands consistent with the activities under the CCAA provisions. This amendment would potentially increase the amount of the incidental take authorization proportionately with the increasing of the enrolled conservation acres.

### Next Steps

We will evaluate the permit application, proposed amendment, draft

NEPA screening form, and comments we receive to determine whether the EOS application meets the requirements of ESA, NEPA, and implementing regulations. If we determine that all requirements are met, we will approve the amendment and issue the amended EOS under section 10(a)(1)(A) of the ESA to the applicant in accordance with the terms of the amended CCAA and specific terms and conditions of the authorizing EOS. We will not make our final decision until after the 30-day comment period ends, and we have fully considered all comments received during the public comment period.

### Public Availability of Comments

All comments we receive become part of the public record associated with this action. Requests for copies of comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Department of the Interior policies and procedures. Before including your address, phone number, email 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 to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. 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.

### Authority

We provide this notice under the authority of section 10(c) of the ESA and its implementing regulations (50 CFR 17.22 and 17.32) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6).

**Amy Lueders,**

*Regional Director, Southwest Region, U.S. Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[223D0102DM; DS62600000;  
DLSN00000.000000; DX62601]

### Report on the Department of the Interior Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act

**AGENCY:** Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** The Department of the Interior (DOI) is publishing a report on DOI Federal Financial Assistance Programs for infrastructure subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act. This report reflects the DOI's initial analysis of financial assistance programs and associated Buy America requirements.

**FOR FURTHER INFORMATION CONTACT:** Daniel Moline—Policy Analyst, DOI, Office of Grants Management, (202) 513-7546, [os\\_pgm@ios.doi.gov](mailto:os_pgm@ios.doi.gov).

**SUPPLEMENTARY INFORMATION:** This initial analysis, which can be found at following website: <https://www.doi.gov/grants/infrastructure-programs> is based on the agency's current understanding of information gathered as of the required 60-day reporting deadline. In particular, the DOI is still evaluating the application of the Build America, Buy America Act provisions to contracts and agreements executed under the Indian Self-Determination and Education and Assistance Act, as amended, 25 U.S.C. 5301 *et seq.* Subject to additional ongoing evaluation and any further Office of Management and Budget (OMB) implementation guidance regarding section 70915 of the Infrastructure Investment and Jobs Act, DOI will work closely with OMB to make any necessary adjustments to this initial list. Therefore, this initial analysis is subject to change.

Consistent with the policy direction of Executive Order 14005: Ensuring the Future is Made in All of America By All of America's Workers, Title IX of the Infrastructure Investment and Jobs Act (IIJA): Build America, Buy America Act imposes new, government-wide domestic content procurement preference requirements on all projects funded through financial assistance programs for infrastructure whether or not those programs are funded through IIJA. Section 70913(a) of IIJA requires each agency to submit a report to OMB and Congress that will be published in the **Federal Register**. As provided in

section 70913(b) of IIJA, this report must:

(1) Identify all domestic content procurement preferences applicable to DOI's Federal financial assistance.

*DOI Summary:* In reviewing the DOI programs, no DOI programs were identified that are subject to domestic content procurement preferences, as defined in section 70912(2).

(2) Assess the applicability of domestic content procurement preference requirements including:

(A) Section 313 of title 23, United States Code;

(B) section 5323(j) of title 49, United States Code;

(C) section 22905(a) of title 49, United States Code;

(D) section 50101 of title 49, United States Code;

(E) section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388);

(F) section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(4));

(G) section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3 3914);

(H) any domestic content procurement preference included in an appropriations Act; and

(I) any other domestic content procurement preference in Federal law (including regulations).

*DOI Summary:* In reviewing the DOI programs, no DOI programs were identified that are subject to additional domestic content procurement requirements of the above legislation, Appropriations Act, or other domestic content procurement preference in Federal law.

(3) Provide details on any applicable domestic content procurement preference requirement, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement.

*DOI Summary:* Given the above responses, the DOI has no further details to provide at this time.

(4) Include a description of the type of infrastructure projects that receive funding under the program, including information relating to:

(A) The number of entities that are participating in the program;

(B) the amount of Federal funds made available for the program for each fiscal year; and

(C) any other information the head of the Federal agency determines to be relevant.

*DOI Summary:* The DOI reviewed each of its 287 financial assistance programs to identify Federal financial assistance programs for infrastructure. The analysis found in the link above

identifies the DOI's initial assessment of financial assistance programs for infrastructure ("Infrastructure Programs"). The types of infrastructure projects pursued under these programs are identified within question 4(c), column K of the analysis.

(5) Section 70913(c) of IIJA requires that the report include a list of "Deficient Programs" which identifies DOI's financial assistance programs for infrastructure (as defined in section 70912(5) of IIJA) for which a domestic content procurement preference requirement does not apply in a manner consistent with section 70914 of IIJA or is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project. Section 70914 requires that all the iron, steel, manufactured products, and construction materials used in projects receiving DOI financial assistance for infrastructure be produced in the United States unless DOI provides a waiver of the requirement or application of the requirement would be inconsistent with the United States' obligations under international agreements.

*DOI Summary:* As noted above and based on information known at the time of this assessment, all included DOI Infrastructure Programs constitute "Deficient Programs" as defined in the Build America, Buy America Act.

**Eric Werwa,**

*Deputy Assistant Secretary—Policy and Environmental Management, Exercising the Delegated Authority of the Assistant Secretary for Policy, Management and Budget.*

[FR Doc. 2022–00958 Filed 1–14–22; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF JUSTICE

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

On January 11, 2022, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Pennsylvania in the lawsuit entitled *United States and Pennsylvania Department of Environmental Protection v. West Penn Power Company* (West Penn), Civil Action No. 2:22–cv–00051–NR.

This case relates to alleged violations of monthly effluent limitations contained in National Pollution Discharge Elimination System (NPDES) permits issued to West Penn by the Pennsylvania Department of Environmental Protection (PADEP) and related to boron levels in leachate

discharges from two closed coal ash landfills in Western Pennsylvania. The Mingo Landfill is associated with the retired, coal-fired Mitchell Power Plant in Union Township, Washington County, and the Springdale Landfill is associated with the retired coal-fired Springdale Power Plant in Frazer Township, Allegheny County. The case involves claims for civil penalties and injunctive relief under the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as well as a related count under the Pennsylvania Clean Streams Law, 35 P. S. §§ 691.1–691.801 for the alleged violations at the Mingo Landfill. The proposed settlement embodied in the lodged Consent Decree requires West Penn to install a new gravity pipeline from the Springdale Landfill to a new outfall location in the Allegheny River, and to operate a recently installed gravity pipeline from the Mingo Landfill to Peters Creek. Both new outfalls will require West Penn to operate the pipelines in compliance with newly issued NPDES permits. West Penn is also required to pay civil penalties of \$305,000 to the United States and \$305,000 to PADEP.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. West Penn Power*, D.J. Ref. No. 90–5–1–11894. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| <i>To submit comments:</i> | <i>Send them to:</i>                                                                          |
|----------------------------|-----------------------------------------------------------------------------------------------|
| By email .....             | <i>pubcomment-ees.enrd@usdoj.gov.</i>                                                         |
| By mail .....              | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington, DC<br>20044–7611. |

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$15.50 (25 cents per page