

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Resource Conservation and Recovery Act, the Clean Air Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Emergency Planning and Community Right-To-Know Act (Corrected)

On July 11, 2023, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Idaho in the lawsuit entitled *United States of America v. J.R. Simplot Company*, Civil Action No. 1:23-cv-322. (This notice replaces the notice published July 17, 2023 (88 FR 454488) that incorrectly identified the judicial district). If approved by the court, the consent decree would resolve the claims of the United States against J.R. Simplot Company (Simplot) for injunctive relief and civil penalties for alleged violations of the Resource Conservation and Recovery Act (RCRA); for injunctive relief and civil penalties for alleged violations of the Clean Air Act (CAA); and for civil penalties for alleged violations of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Emergency Planning and Community Right-To-Know Act (EPCRA), at Simplot's phosphoric acid and fertilizer manufacturing plant located near Pocatello, Idaho, known as the Don Plant. The consent decree would require Simplot to (1) implement compliance projects at the Don Plant; (2) comply with specified requirements for management of wastes or other materials at the facility and in the facility's phosphogypsum stack system, (3) comply with specified requirements for the eventual closure and long-term care of the facility, and provide financial assurance to cover the estimated cost of such obligations; and (4) continue groundwater and surface monitoring and reporting—monitoring and reporting that is currently required by a prior CERCLA consent decree under which Simplot also is required to implement remedial measures to address the release of hazardous substances into the environment as a result of past operations at the facility; and (5) comply with specified operational practices for air emissions controls, and replace the existing cooling towers by June 2026 with cooling pond(s) to reduce fluoride emissions into the air from the Don Plant, subject to a contingency that, if applicable, alternatively requires

implementation of an EPA-approved plant to reduce fluoride emissions to the greatest extent practicable. The consent decree would also require Simplot to revise the annual Toxic Chemical Release Inventory Reporting Forms it submitted under EPCRA for years 2004–2012 to include estimates of compounds that previously were not included in those reports. In addition, the consent decree would require Simplot to pay a civil penalty of \$1.5 million. In return for Simplot's compliance with these requirements, the consent decree would resolve past RCRA, CAA, CERCLA, and EPCRA violations at the Don Plant that the United States' complaint alleges. Provided that Simplot remains in compliance with consent decree's requirements for the management of wastes or other materials, under the consent decree the United States would also covenant not to sue Simplot under RCRA for its management of wastes or other materials at the Don Plant facility.

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 of America v. J.R. Simplot Company*, D.J. Ref. No. 90–7–1–08388/23. 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:

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

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <http://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 \$127.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

without the Appendices and signature pages, the cost is \$18.25.

Jeffrey Sands,

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[FR Doc. 2023–15651 Filed 7–24–23; 8:45 am]

BILLING CODE 4410–15–P

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[OMB Number 1124–0006]

Agency Information Collection Activities; Proposed eCollection Activities; Proposed eComments Requested; Exhibit A to Registration Statement of Foreign Agents (NSD–3)

AGENCY: National Security Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The National Security Division (NSD), Department of Justice (DOJ), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, on April 20, 2023, allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until August 24, 2023.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact CES Acting Section Chief Jennifer K. Gellie, at 202–233–0776, and fara.public@usdoj.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- 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;