

to assist you at (202) 502–8258 or FercOnlineSupport@ferc.gov.

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: Meghan Emes, Senior Attorney, National Fuel Gas Supply Corporation, 6363 Main Street, Williamsville, New York 1422, by email at emesm@natfuel.com. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at www.ferc.gov using the “eLibrary” link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to www.ferc.gov/docs-filing/esubscription.asp.

Dated: June 8, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023–12730 Filed 6–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL23–73–000]

Idaho Power Company; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On June 8, 2023, the Commission issued an order in Docket No. EL23–73–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether Idaho Power Company's market-based rate authority in the Idaho Power balancing authority area is unjust, unreasonable, unduly discriminatory or preferential, or

otherwise unlawful and to establish a refund effective date. *Idaho Power Company*, 183 FERC ¶ 61,168 (2023).

The refund effective date in Docket No. EL23–73–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL23–73–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2022), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at FercOnlineSupport@ferc.gov or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the “eFile” link at <http://www.ferc.gov>. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to

contact OPP at (202) 502–6595 or OPP@ferc.gov.

Dated: June 8, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023–12731 Filed 6–13–23; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14876–002]

Western Minnesota Municipal Power Agency; Notice of Effective Date of Withdrawal of Notice of Intent

On June 28, 2022, Western Minnesota Municipal Power Agency (Western Minnesota Power) filed a Notice of Intent (NOI) for the proposed 1,800-megawatt Gregory County Pumped Storage Project. The project would have been located at the U.S. Army Corps of Engineers' Lake Francis Case on the Missouri River in Gregory and Charles Mix Counties, South Dakota. On May 23, 2023, Western Minnesota Power filed a letter informing the Commission that it was withdrawing its NOI for the above-referenced project.

Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,¹ a withdrawal of a pleading is effective at the end of 15 days from the date of filing the notice of withdrawal. No motion in opposition to the notice of withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal; thus, the withdrawal is effective on June 7, 2023.

Dated: June 8, 2023.

Debbie-Anne A. Reese,
Deputy Secretary.

[FR Doc. 2023–12733 Filed 6–13–23; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2023–0310; FRL–11030–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

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

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (CAA or the Act), the Environmental

¹ 18 CFR 385.216(b) (2022).

Protection Agency (EPA or the Agency) is providing notice of a proposed consent decree in *East Yard Communities for Environmental Justice v. EPA*, No. 22–cv–0094 (D.D.C.). On January 13, 2022, Plaintiffs East Yard Communities for Environmental Justice, Ironbound Community Corporation, and Sierra Club (collectively Plaintiffs) filed a complaint in the United States District Court for the District of Columbia alleging that the EPA failed to perform its non-discretionary duty under to review and, if appropriate, revise new source performance standards and emissions guidelines for large municipal solid waste incinerators (LMWCs) at five-year intervals. In addition, Plaintiffs filed a separate petition on December 21, 2021, in the United States Court of Appeals for the District of Columbia seeking a writ of mandamus relating to a 2008 order of that court remanding to the EPA performance standards for LMWCs. EPA is providing notice of this proposed consent decree, which would resolve all claims in both cases by establishing deadlines for EPA to issue proposed and final rulemakings to review and, if necessary, revise emissions standards for LMWCs.

DATES: Written comments on the proposed consent decree must be received by July 14, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2023–0310, 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: Matthew McNerney, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564–1049; email address mcnerney.matthew@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–2023–0310) 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 January 13, 2022, Plaintiffs East Yard Communities for Environmental Justice, Ironbound Community Corporation, and Sierra Club (collectively Plaintiffs) filed a complaint in the United States District Court for the District of Columbia alleging that the EPA failed to perform its non-discretionary duty under CAA section 129(a)(5) to review and, if appropriate, revise emissions standards for large municipal solid waste incinerators (LMWCs) at five-year intervals. In addition, on December 21, 2021, Plaintiffs filed a separate petition in the United States Court of Appeals for the District of Columbia seeking a writ of mandamus relating to a 2008 order of that court remanding to the EPA performance standards for LMWCs (Petition Matter).

The proposed consent decree, if finalized, would establish deadlines for the EPA to take proposed and final actions under CAA section 129(a)(5) to review, and if appropriate, revise new source performance standards and emissions guidelines for LMWCs. Specifically, the EPA would be required to sign the proposed action by December 31, 2023, and final action by November 30, 2024. Further, Plaintiffs agree to withdraw the related Petition Matter shortly after the entry of this Consent Decree.

In accordance with section 113(g) of the CAA, 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–2023–0310, 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.

Gautam Srinivasan,
Associate General Counsel.

[FR Doc. 2023-12671 Filed 6-13-23; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2023-0306; FRL-11024-01-OGC]

Proposed Consent Decree, Unreasonable Delay Claim Regarding Petition Seeking Revised Testing Requirements of Pesticides Prior to Registration

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, notice is hereby given of a proposed consent decree that resolves *Center for Food Safety, et al. v. U.S. Environmental Protection Agency*, a case in the United States District Court for the Northern District of California (4:22-cv-6001-JST) that alleges EPA unreasonably delayed responding to a petition for rulemaking, submitted to EPA on or around July 10, 2017, relating to the revision of testing requirements of pesticides prior to registration.

DATES: Written comments on the proposed consent decree must be received by July 14, 2023.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0306, 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, see the "Additional Information about Commenting on the Proposed Consent Decree" heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Allison Payne, Pesticides and Toxic Substances Law Office; telephone (202) 564-8501; email address: payne.allison@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-2023-0306) 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

Prior to this lawsuit being filed, EPA received a petition on or around July 10, 2017, requesting that EPA (1) revise pesticide registration regulations to take into account all pesticide ingredients (active, inert and adjuvant) and their effects on the environment; (2) revise pesticide registration regulations to require whole pesticide formulation and tank mixture testing to take into account synergistic effects; (3) revise pesticide

registration regulations to require inert ingredients and whole pesticide formulations testing for chronic toxicological effects and degradation; (4) revise pesticide registration regulations to require Endangered Species Act (ESA) consultation on the effects of whole pesticide formulations and tank mixtures on threatened and endangered species; and (5) assuming the regulations were revised as petitioners have requested, petitioners also request that EPA apply those revised regulations in conducting statutorily-mandated registration reviews of pesticides (hereinafter, these requests will be referred to as the "2017 Petition Requests"). EPA sought public comment on the 2017 Petition. See Petition Seeking Revised Testing Requirements of Pesticides Prior to Registration; Request for Comment, 83 FR 65672 (December 21, 2018) (the "Request for Comment"). EPA received approximately 564 comments. Plaintiffs filed a Complaint on October 12, 2022, alleging that EPA's failure to respond to the petition constitutes an unreasonable delay under Section 706(1) of the Administrative Procedure Act, 5 U.S.C. 706(1).

This proposed consent decree states that no later than September 29, 2023, the appropriate EPA official shall, by letter, either grant, deny, or grant in part and deny in part each of the 2017 Petition Requests. Court approval of this proposed consent decree would resolve all claims in this case except for the claim for the costs of litigation, including reasonable attorneys' fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties to the litigation in question. 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 APA or FIFRA. Unless EPA or the Department of Justice determines that consent should be withdrawn, the terms of the proposed consent decree will be affirmed and entered with the Court.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0306 via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket.