

Issued: January 10, 2024.

Lisa Barton,

Secretary to the Commission.

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On January 10, 2024, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Columbia in the case captioned *United States v. Cummins Inc.*, Case No. 1:24-cv-00088.

The United States filed a Complaint in this lawsuit seeking civil penalties and injunctive relief from Defendant Cummins Inc. (“Cummins”) for alleged violations of title II of the Clean Air Act, as amended, 42 U.S.C. 7521-7590, and the regulations promulgated thereunder, which aim to protect human health and the environment by reducing emissions of nitrogen oxides (“NO_x”) and other pollutants from mobile sources of air pollution, including new motor vehicles. The State of California has filed a separate Complaint alleging corresponding claims for civil penalties and injunctive relief against Cummins under the Clean Air Act’s citizen suit provisions, 42 U.S.C. 7404(a)(1), and California laws and regulations.

The United States’ Complaint alleges that Cummins violated the Clean Air Act through the company’s production and sale of diesel motor vehicle engines—along with associated engine control and emission control systems—that were installed in nearly one million pickup trucks sold in the United States under the RAM 2500 and RAM 3500 model names. The United States alleges that Cummins’ applications to the U.S. Environmental Protection Agency for Certificates of Conformity for those trucks did not disclose multiple software-based features that affect their emission control systems. In addition, the United States alleges that some of these undisclosed software features qualify as illegal “defeat devices” that bypass, defeat and/or render inoperative emission control systems in more than 630,000 model year 2013–2019 RAM 2500 and RAM 3500 trucks, causing those vehicles to emit substantially higher levels of NO_x during certain normal real world driving conditions, as compared to the vehicles’ NO_x emissions levels during federal emission tests.

When the United States’ Complaint was filed, the United States also lodged

a proposed Consent Decree among the United States (on behalf of the U.S. Environmental Protection Agency), the State of California (on behalf of the California Air Resources Board), and Cummins (the “Joint Consent Decree”). If approved by the Court, the Joint Consent Decree would resolve the claims against Cummins in the United States’ Complaint on agreed terms and conditions. The Joint Consent Decree also would partially resolve the claims against Cummins in the California Complaint. A separate proposed Consent Decree between Cummins and California (the “California Partial Consent Decree”) was lodged concurrently with the proposed Joint Consent Decree. The California Partial Consent Decree would resolve the remaining claims in the California Complaint, including claims brought by the California Attorney General.

The Joint Consent Decree would require Cummins to: (i) pay the United States a \$1.478 billion civil penalty; (ii) pay the California Air Resources Board a \$164 million penalty; and (iii) take various steps to remedy the alleged violations, including conducting vehicle recall campaigns to replace the software in model year 2013–2019 RAM trucks and satisfying mitigation requirements to offset the excess NO_x emissions from those trucks.

The California Partial Consent Decree would require Cummins to pay \$33 million in civil penalties to the California Attorney General and make an additional payment to fund actions or projects that reduce NO_x emissions through mitigation programs administered by the California Air Resources Board.

Taken together, the Joint Consent Decree and the California Partial Consent Decree would require Cummins to pay more than \$2 billion to resolve the violations alleged by the United States and California, including \$1.675 billion in civil penalties.

The publication of this notice opens a period for public comment on the United States’ proposed Joint Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Untied States v. Cummins Inc.*, DJ Ref. No. 90-5-2-1-12300. 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, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the proposed Joint 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 proposed Joint 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 \$45.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia A. McKenna,

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

[FR Doc. 2024-00705 Filed 1-16-24; 8:45 am]

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DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decrees Under the Comprehensive Environmental Response, Compensation and Liability Act, Clean Water Act, and Oil Pollution Act

On January 8, 2024, the Department of Justice lodged five proposed consent decrees with the United States District Court for the Northern District of Ohio in the lawsuit entitled *United States v. Ohio Refining Co., et al.*, Civil Action No. 3:24-cv-00039.

The United States filed a Complaint alleging claims against Ohio Refining Co., LLC, Chevron U.S.A. Inc., Energy Transfer (R&M), LLC, Pilkington North America, Inc., and Chemtrade Logistics, Inc., under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), the Clean Water Act, and the Oil Pollution Act for recovery of damages for injury to, loss of, or destruction of natural resources resulting from the release of hazardous substances and oil at the Duck & Otter Creeks NRDA Site located near Toledo, Ohio. Each Defendant or its predecessor historically owned and/or operated an industrial facility within the Site which discharged polynuclear aromatic hydrocarbon (“PAH”) compounds,

metals (including arsenic and lead), and/or oil into the creeks.

Under the proposed Consent Decrees, the Defendants will collectively pay \$7,225,909 in natural resource damages (“NRD”), consisting of \$6,322,670 for Trustee-sponsored NRD restoration projects—as identified in a draft Department of the Interior (“DOI”) Restoration Plan, and \$903,239 as reimbursement for NRD assessment costs incurred by DOI as Federal Trustee.

The publication of this notice opens a period for public comment on the consent decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Ohio Refining Co., et al.*, D.J. Ref. No. 90–11–3–07084. All comments must be submitted no later than 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, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Modified 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 proposed Modified 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 \$33.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Patricia McKenna,

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

[FR Doc. 2024–00792 Filed 1–16–24; 8:45 am]

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DEPARTMENT OF JUSTICE

[OMB Number 1100–0049]

Agency Information Collection Activities; Proposed eCollection eComments Requested; InfraGard Membership Application and Profile Questionnaire

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Federal Bureau of Investigation, 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 November 28, 2023 allowing a 60-day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until February 16, 2024.

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: Tiffany Locklear, Unit Chief Federal Bureau of Investigation, 935 Pennsylvania Ave., Washington, DC 20535, ttllocklear@fbi.gov, 202–436–7627.

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;
- Enhance the quality, utility, and clarity of the information to be collected; and/or
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*,

permitting electronic submission of responses.

Written comments and recommendations for this information collection should be submitted within 30 days of the publication of this notice on the following website www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the information collection or the OMB Control Number [1100–0049]. This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Justice, information collections currently under review by OMB.

DOJ seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOJ notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Overview of This Information Collection

1. *Type of Information Collection:* Revision of a previously approved collection.
2. *Title of the Form/Collection:* InfraGard Membership Application and Profile Questionnaire.
3. *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* N/A; Business Operations and Technology Unit.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:* *Affected Public:* Individuals or households. *Abstract:* This collection is used by FBI’s Office of Private Sector to vet applicant’s for InfraGard membership which is a Public/Private Alliance that shares intelligence and criminal information about threats and infrastructure vulnerabilities.
5. *Obligation to Respond:* Voluntary.
6. *Total Estimated Number of Respondents:* 11,000.
7. *Estimated Time per Respondent:* 30 minutes.
8. *Frequency:* Annually.
9. *Total Estimated Annual Time Burden:* 5,500 hours.
10. *Total Estimated Annual Other Costs Burden:* \$0.

If additional information is required, contact: Darwin Arceo, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, United States Department of Justice,