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Mary Hyde,

Director, Office of Research and Evaluation.

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Notice of Adoption of Electric Vehicle Charging Stations Categorical Exclusion Under the National Environmental Policy Act

**AGENCY:** Defense Threat Reduction Agency (DTRA), Department of Defense (DoD).

**ACTION:** Notice of adoption of categorical exclusion.

**SUMMARY:** DTRA is adopting the Department of Energy's (DOE's) Electric Vehicle (EV) Charging Stations Categorical Exclusion (CE) under the National Environmental Policy Act (NEPA) to use in DTRA programs and funding opportunities administered by DTRA. This notice describes the categories of proposed actions for which DTRA intends to use DOE's CEs and describes the consultation between the agencies.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sherry Davis, 703-767-7122, [sherry.j.davis3.civ@mail.mil](mailto:sherry.j.davis3.civ@mail.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

###### *National Environmental Policy Act and Categorical Exclusions*

The NEPA, as amended at 42 U.S.C. 4321-4347, requires all Federal agencies to assess the environmental impact of their actions. Congress enacted NEPA in order to encourage productive and enjoyable harmony between humans and the environment, recognizing the profound impact of human activity and the critical importance of restoring and maintaining environmental quality to the overall welfare of humankind (42 U.S.C. 4321, 4331). NEPA's twin aims are to ensure agencies consider the environmental effects of their proposed actions in their decision-making processes and inform and involve the public in that process (42 U.S.C. 4331). NEPA created the Council on Environmental Quality (CEQ), which promulgated NEPA implementing regulations, 40 CFR parts 1500 through 1508 (CEQ regulations).

To comply with NEPA, agencies determine the appropriate level of review—an Environmental Impact

Statement (EIS), Environmental Assessment (EA), or CE (42 U.S.C. 4336). If a proposed action is likely to have significant environmental effects, the agency must prepare an EIS and document its decision in a record of decision (42 U.S.C. 4336). If the proposed action is not likely to have significant environmental effects or the effects are unknown, the agency may instead prepare an EA, which involves a more concise analysis and process than an EIS (42 U.S.C. 4336). Following the EA, the agency may conclude the process with a finding of no significant impact if the analysis shows that the action will have no significant effects. If the analysis in the EA finds that the action is likely to have significant effects, however, then an EIS is required.

Under NEPA and the CEQ regulations, a Federal agency also can establish CEs—categories of actions that the agency has determined normally do not significantly affect the quality of the human environment—in their agency NEPA procedures (42 U.S.C. 4336(e)(1); 40 CFR 1501.4, 1507.3(e)(2)(ii), 1508.1(d)). If an agency determines that a CE covers a proposed action, it then evaluates the proposed action for extraordinary circumstances in which a normally excluded action may have a significant effect (40 CFR 1501.4(b)). If no extraordinary circumstances are present or if further analysis determines that the extraordinary circumstances do not involve the potential for significant environmental impacts, the agency may apply the CE to the proposed action without preparing an EA or EIS (42 U.S.C. 4336(a)(2), 40 CFR 1501.4). If the extraordinary circumstances have the potential to result in significant effects, the agency is required to prepare an EA or EIS.

Section 109 of NEPA, enacted as part of the Fiscal Responsibility Act of 2023, allows a Federal agency to “adopt” or use another agency's CEs for a category of proposed agency actions (42 U.S.C. 4336(c)). To use another agency's CEs under section 109, an agency must identify the relevant CEs listed in another agency's (“establishing agency”) NEPA procedures that cover its category of proposed actions or related actions; consult with the establishing agency to ensure that the proposed adoption of the CE to a category of actions is appropriate; identify to the public the CE that the agency plans to use for its proposed actions; and document adoption of the CE.

This notice documents DTRA's adoption of DOE's Electric Vehicle Charging Stations CE under section 109 of NEPA to use in DTRA programs and

funding opportunities administered by DTRA Operating Administrations.

##### II. Identification of the Categorical Exclusion

###### *DOE's EV Charging Stations CE*

DOE's EV charging stations CE is codified in DOE's NEPA procedures at 10 CFR part 1021, subpart D, appendix B, B5.23. DOE provides clarification on the meaning of the phrase, “previously disturbed or developed” used in the CE B5.23 at 10 CFR 1021.410(g)(1).

The DOE CE also includes additional conditions referred to as integral elements at 10 CFR part 1021, subpart D, appendix B that should be considered in order to apply the CE.

###### *Proposed DTRA Category of Actions*

DTRA intends to apply this CE to any DTRA EV charging station project undertaken directly by DTRA, to any EV charger action requiring an approval by DTRA, or to any project that is financed in whole or in part through Federal funds made available by DTRA (including the National Electric Vehicle Infrastructure Formula Program or the Charging and Fueling Infrastructure Discretionary Grant Program).

The CE allows for the installation, modification, operation, and removal of EV charging stations. DTRA will consider each proposal for EV charging stations to ensure that the proposal is within the scope of the CE. DTRA intends to apply this CE in a manner consistent with DOE's application—to the same types of proposals (which have included a wide variety of locations on and off Federal property, differences in local conditions, various numbers of EV charging stations per proposal, and different types of equipment and technologies including Level 1, Level 2, and DC Fast Charging stations).

##### III. Consideration of Extraordinary Circumstances

When applying this CE, DTRA will evaluate the proposals to ensure evaluation of integral elements listed in the DOE's NEPA procedures at 10 CFR part 1021, subpart D, appendix B. In addition, when considering extraordinary circumstances, DTRA will consider whether the proposed action has the potential to result in significant effects as described at 10 CFR 1021.410(b)(2).

##### IV. Consultation With DOE and Determination of Appropriateness

DTRA and DOE consulted on the appropriateness of DTRA's adoption of the CE on September 26, 2023. DTRA and DOE's consultation included a review of DOE's experience developing

and applying the CE, as well as the types of actions for which DTRA plans to utilize the CE. These DTRA actions are very similar to the type of projects that DOE funds and therefore the impacts of DTRA projects will be very similar to the impacts of DOE projects, which are not significant, absent the existence of extraordinary circumstances that could involve potentially significant impacts. Therefore, DTRA has determined that its proposed use of the CE as described in this notice would be appropriate. Additional documentation of DOE and DTRA's consultation is available upon request.

#### V. Notice to the Public and Documentation of Adoption

This notice serves to identify to the public and document DTRA's adoption of DOE's CE for EV charging stations. The notice identifies the types of actions to which DTRA will apply the CE, as well as the considerations that DTRA will use in determining whether an action is within the scope of the CE.

Dated: July 2, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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## DEPARTMENT OF ENERGY

RIN 1901-AB55

### Request for Information Regarding the Advanced Technology Vehicles Manufacturing Loan Program; Reopening of Comment Period

**AGENCY:** Loan Programs Office, Department of Energy.

**ACTION:** Request for information ("RFI"); reopening of public comment period.

**SUMMARY:** The Loan Programs Office ("LPO") of the Department of Energy ("DOE") is seeking public input to inform its implementation of the Inflation Reduction Act of 2022 provisions relating to the Advanced Technology Vehicles Manufacturing Loan Program (the "ATVM Program"). On May 29, 2024, DOE published an RFI on these subjects. The RFI provided an opportunity for submitting written comments, data, and information no later than June 28, 2024. DOE received requests for an extension of the public comment period for an additional two weeks. DOE has reviewed these requests and is reopening the public comment period for 14 days to allow comments to be submitted.

**DATES:** The comment period for the RFI published on May 29, 2024 (89 FR 46378), which closed on June 28, 2024, is reopened. DOE will accept comments, data, and information regarding the RFI received no later than July 22, 2024.

**ADDRESSES:** Interested persons are encouraged to submit comments, identified by "ATVM Program RFI," by any of the following methods:

*Email:* [lpofederalregistercomments@hq.doe.gov](mailto:lpofederalregistercomments@hq.doe.gov). Include "ATVM Program RFI" in the subject line of the message. Email attachments can be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format, prepared in accordance with the detailed instructions in section III of the May 29, 2024 RFI, which can be found at: <https://www.federalregister.gov/d/2024-11723>.

*Postal Mail:* Loan Programs Office, Attn: LPO Legal Department, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585-0121. Please submit one signed original paper copy. Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt.

**FOR FURTHER INFORMATION CONTACT:**

Steven Westhoff, Attorney-Adviser, Loan Programs Office, email: [steven.westhoff@hq.doe.gov](mailto:steven.westhoff@hq.doe.gov), or phone: (240) 220-4994.

**SUPPLEMENTARY INFORMATION:** On May 29, 2024, DOE published an RFI initiating a review to consider whether and how to amend DOE's ATVM Program regulations at 10 CFR part 611.89 FR 46378. In the RFI, DOE identified certain programmatic and procedural issues on which it is interested in receiving comment. These issues include implementation of new categories of advanced technology vehicles and incorporation of community jobs and justice goals in the ATVM Program application process. The RFI set a comment period deadline of June 28, 2024.

Certain interested parties requested a two-week extension of the public comment period to respond appropriately to the RFI with considered comments regarding future implementation and administration of the ATVM Program. DOE anticipates that reopening the public comment period will enable additional stakeholders to submit valuable comments in response to the RFI.

DOE has determined that reopening the public comment period is appropriate to allow interested parties additional time to submit comments for

DOE's consideration. Thus, DOE is reopening the comment period for 14 days.

#### Signing Authority

This document of the Department of Energy was signed on July 1, 2024, by Jigar Shah, Executive Director, Loan Programs Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on July 1, 2024.

**Treena V. Garrett,**

Federal Register Liaison Officer, U.S. Department of Energy.

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## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Northern New Mexico

**AGENCY:** Office of Environmental Management, Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an in-person/virtual hybrid meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, July 31, 2024; 1-5 p.m. MDT.

**ADDRESSES:** Ohkay Owingeh Conference Center, 68 New Mexico 291, San Juan, New Mexico 87566. This hybrid meeting will be open to the public in person and via WebEx. To attend virtually, please contact the Northern New Mexico Citizens Advisory Board (NNMCAB) Executive Director (below) no later than 5 p.m. MDT on Friday, July 26, 2024.

**FOR FURTHER INFORMATION CONTACT:** Bridget Maestas, NNMCAB Executive Director, by Phone: (505) 709-7466 or Email: [bridget.maestas@em.doe.gov](mailto:bridget.maestas@em.doe.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to provide advice and