

Preferred Alternative as summarized above and described in detail within the 2024 FEIS. Development of the proposed project at the Roxana Site in Letcher County is contingent on the availability of funding sufficient to proceed.

## VII. Rationale

The FBOP's decision is based on the following:

The condition of facilities, infrastructure, and equipment is critical to effective correctional facility operation and security. As a result of their continuous use, facilities, infrastructure, and equipment require frequent maintenance and repairs, large-scale upgrades and renovations, and in select cases, complete replacement. With over 50 percent of all federal correctional facilities developed prior to 1991, and many facing a substantial backlog of Modernization and Repair (M&R) work, the challenge confronting the FBOP to continue achieving its mission with aging and obsolete institutions is formidable.

Coinciding with the need for modern facilities and infrastructure, Congress directed the FBOP to conduct investigations leading to development of a new federal correctional facility in Letcher County, Kentucky. The decision to develop a new FCI and FPC at the Roxana Site in Letcher County is based on the many detailed investigations conducted by the FBOP and demonstrates compliance with Congress' directive while best meeting the FBOP's goals and objectives. Because implementation of this alternative would have fewer adverse impacts on the human and natural environments, the FBOP considers it to be the Preferred Alternative.

Construction of the proposed FCI/FPC at the Roxana Site will result in short-term, temporary impacts including increased noise levels, fugitive dust emissions, soil erosion, traffic volumes, and fuel consumption with the associated air emissions. Permanent and significant impacts to topography, geology and soils would also occur from construction with permanent and less than significant impacts anticipated to land use, community facilities and services, transportation and traffic, visual and aesthetic resources, air quality, cultural resources, noise, utility services, water resources, biological resources, and hazardous materials, as defined by NEPA.

While construction and operation of the proposed FCI/FPC at the Roxana Site will cause unavoidable impacts, activities involving construction and operation shall comply with applicable

federal statutes, implementing regulations, Executive Orders, and other consultation, review, and permit requirements. Unavoidable adverse impacts to natural and manmade resources will be controlled, reduced, or eliminated by the avoidance, minimization, and mitigation measures identified in Section V (Avoidance, Minimization, and Mitigation Measures) of this ROD.

The FBOP will implement a Monitoring and Enforcement Program (MEP) to ensure that the proposed avoidance, minimization, and mitigation measures documented within this ROD are implemented. The MEP will identify the timing, responsibility, and method of implementation of the proposed measures, as well as any required monitoring and enforcement activities. As part of the program, each project contractor will be required to implement the mitigation measures arising from its project activities with the FBOP or its authorized agencies overseeing, inspecting and monitoring the measures to ensure compliance. The FBOP will be responsible for any mitigation measures required as part of FCI/FPC operation. The FBOP will maintain the MEP throughout project implementation and will include the MEP in the project administrative record. Any on-going obligations will be the responsibility of the FBOP.

Development of the proposed FCI/FPC at the Roxana Site will result in beneficial impacts by adding a modern new correctional facility to the federal prison system. In doing so, the local and regional economies will benefit from the addition of 325 permanent workers and new annual wages and salaries of \$43 million along with \$14 million in annual expenditures for supplies, equipment, utilities, and other goods and services necessary for operation. The estimated \$57 million annual operating budget is also expected to indirectly support additional private sector employment in Letcher County and throughout southeastern Kentucky. The region has experienced declining populations and slow or no economic growth which makes development of the proposed FCI/FPC attractive and consistent with the socioeconomic goals and objectives expressed by Letcher County leaders and representatives.

The FBOP will rely upon the Letcher County Water and Sewer District for the provision of water supply and wastewater treatment services along with other providers for electric power, natural gas, telecommunications, and solid waste collection services. Positive economic benefits will also accrue to those utility providers from supplying

such services. The necessity for utility service upgrades, extensions and related improvements will be communicated and coordinated with all appropriate agencies.

Prior to making this decision, the FBOP carefully considered comments received following the publication of the 2024 DEIS and FEIS. The comments and responses thereto are hereby acknowledged and measures to avoid, minimize, and mitigate potential adverse impacts are documented within Section V of this ROD. The FBOP has also carefully considered potential environmental justice impacts of the Proposed Action as discussed in the 2024 FEIS, together with comments concerning environmental justice submitted during the DEIS and FEIS process. As documented in the 2024 FEIS, the FBOP has determined that the Proposed Action will not result in either a disparate or significantly adverse impact to low-income or minority populations to which Executive Order 12898 is applicable.

## VIII. Conclusion

After consulting with FBOP staff and being appraised of material in the 2024 DEIS and FEIS and visiting Letcher County in August 2024, it is the decision of the undersigned that the FBOP select the Roxana Site for land acquisition and the development of a FCI and FPC in Letcher County.

**Colette S. Peters,**

*Director, Federal Bureau of Prisons.*

[FR Doc. 2024-24948 Filed 10-25-24; 8:45 am]

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## MERIT SYSTEMS PROTECTION BOARD

### Performance Review Board Membership

**AGENCY:** Merit Systems Protection Board.

**ACTION:** Notice.

**SUMMARY:** The Merit Systems Protection Board announces the appointment of the members of its Senior Executive Service Performance Review Board. This notice supersedes all previous notices regarding the Performance Review Board membership.

**DATES:** These appointments are effective October 28, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Pervis Lee, Director of Human Resources, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; telephone: (771) 210-1492; or email: [pervis.lee@mspb.gov](mailto:pervis.lee@mspb.gov).

**SUPPLEMENTARY INFORMATION:** The Merit Systems Protection Board (MSPB) is publishing the names of the current members of its Performance Review Board (PRB) as required by 5 U.S.C. 4314(c)(4) and 5 CFR 430.311. Laura M. Alborno, MSPB, serves as Chair of the PRB. Susan M. Swafford, MSPB; Gina K. Grippando, MSPB; and David S. Eddy III, Federal Labor Relations Authority, serve as members of the PRB.

**Gina K. Grippando,**  
Clerk of the Board.

[FR Doc. 2024-24936 Filed 10-25-24; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[EA-23-140; NRC-2024-0162]

### In the Matter of Glow Rhino LLC; Confirmatory Order

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Order; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) issued a Confirmatory Order to Glow Rhino, LLC (Glow Rhino) to document commitments made as part of a settlement agreement between the NRC and Glow Rhino following an alternative dispute resolution mediation session held on July 18, 2024. The mediation addressed two apparent violations involving the possession and distribution of devices containing radioactive materials without the appropriate NRC licenses. Glow Rhino has committed to corrective actions in the following areas: return of unapproved models in Glow Rhino possession, establishing and maintaining written documentation and procedures, and training. The Confirmatory Order became effective upon issuance.

**DATES:** The Confirmatory Order was issued on October 16, 2024.

**ADDRESSES:** Please refer to Docket ID NRC-2024-0162 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0162. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed

in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Document collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The Confirmatory Order is available in ADAMS under Accession No. ML24250A125.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Leelavathi Sreenivas, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-287-9249; email: [Leelavathi.Sreenivas@nrc.gov](mailto:Leelavathi.Sreenivas@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The text of the Order is attached.

Dated: October 21, 2024.

For the Nuclear Regulatory Commission.

**David L. Pelton,**

*Director, Office of Enforcement.*

### Attachment—Glow Rhino, LLC—ADR Confirmatory Order

#### United States of America

#### Nuclear Regulatory Commission

*In the Matter of: Glow Rhino, LLC,*  
Dearborn, Michigan, EA-23-140

#### Confirmatory Order Effective Upon Issuance

#### I

Glow Rhino, LLC. (Glow Rhino) is a limited liability company and a commercial seller of consumer products that contain tritium it purchases and receives from initial distributors that have been licensed by NRC. This Confirmatory Order (CO) is the result of an agreement reached during an Alternative Dispute Resolution (ADR) mediation session conducted on July 18, 2024, in Rockville, Maryland, to address two apparent violations.

#### II

On November 15, 2022, the NRC's Office of Investigations (OI) opened an

investigation (OI Case No. 3-2023-003). The purpose of the investigation was to determine whether Glow Rhino was in compliance with NRC's regulatory requirements related to Glow Rhino's possession and distribution of products containing radioactive material.

Based on the conclusions of the investigation, the NRC issued two apparent violations that were documented in an NRC letter, dated April 11, 2024,

(Agencywide Documents Access and Management System (ADAMS) Accession No. ML24102A272). The NRC letter identified two apparent violations of Title 10 of the *Code of Federal Regulations* (10 CFR) 30.3, "Activities requiring license". The violations are related to the possession and distribution of products containing radioactive material without the appropriate licenses or authorizations from the NRC.

10 CFR 30.3(a), "Activities requiring license" states, in part, that no person shall manufacture, produce, transfer, receive, acquire, own, possess, or use byproduct material except as authorized in a specific or general license issued in accordance with the regulations in this chapter.

The investigation identified that between approximately January 6, 2021, to October 4, 2023, Glow Rhino possessed a number of consumer products that contained licensable quantities of byproduct material (tritium) that was not authorized by a specific or general license. Specifically, Glow Rhino possessed products containing tritium that were not authorized by a possession license and were not exempt from the requirements for a possession license. In addition, the investigation identified that between approximately January 6, 2021, to October 4, 2023, Glow Rhino transferred products containing byproduct material to persons not possessing a license, without having been evaluated by the NRC and registered in the Sealed Source and Device Registry (SSDR) or authorized for distribution by a license issued pursuant to 10 CFR 30.3(a). The NRC has determined that certain consumer product models possessed and distributed by Glow Rhino did not match the description and information in the SSDR. The models identified in the apparent violations were: Tritium Pry Bar, Tritium Glow Fob, Tritium Keybar, Ember Fob, Griffin Pocket Tool, Spyderco Paramilitary 3, G10 Scales, Tritium Benchmade Thumbstud—Glow Rhino, Tritium Benchmade Bugout Axis Lockbar, G10 Tritium Scales for the Benchmade Bugout, Tritium Benchmade Griptilian Axis Lockbar,