

The project is located on the Nashua River in Hillsborough County, New Hampshire.

In accordance with the Commission's regulations, on November 21, 2023, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore,

staff intends to prepare an Environmental Assessment (EA) on the application to relicense the Mine Falls Project.

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

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 to 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](mailto:OPP@ferc.gov).

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA .....	February 2025. <sup>1</sup>
Comments on EA .....	March 2025.

Any questions regarding this notice may be directed to Khatoon Melick at (202) 502-8433 or [khatoon.melick@ferc.gov](mailto:khatoon.melick@ferc.gov).

Dated: February 13, 2024.

**Debbie-Anne A. Reese,**  
*Acting Secretary.*

[FR Doc. 2024-03426 Filed 2-20-24; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL OP-OFA-110]

**Notice of Adoption of Department of Energy Categorical Exclusion Under the National Environmental Policy Act**

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** The Environmental Protection Agency (EPA) is adopting the Department of Energy's (DOE) Categorical Exclusion (CE) for Methane Gas Recovery and Utilization Systems under the National Environmental Policy Act (NEPA) to use in EPA's program and funding opportunities administered by EPA. This notice describes the categories of proposed actions for which EPA intends to use DOE's CE and describes the consultation between the agencies.

**DATES:** This action is effective upon publication.

**FOR FURTHER INFORMATION CONTACT:** Melissa Winters, Manager, Pollution Prevention and Communities Branch,

Land, Chemicals, and Redevelopment Division, EPA Region 10, by phone at 206-553-5180, or by email at [winters.melissa@epa.gov](mailto:winters.melissa@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*NEPA and CEs*

The National Environmental Policy Act, as amended at, 42 U.S.C. 4321-4347 (NEPA), 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 effects, 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” and use another agency's CEs for a category of proposed agency actions. 42 U.S.C.

<sup>1</sup> The Council on Environmental Quality's (CEQ) regulations under 40 CFR 1501.10(b)(1) require that EAs be completed within 1 year of the federal action agency's decision to prepare an EA. This

notice establishes the Commission's intent to prepare an EA for the Mine Falls Project. See National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, as amended by section 107(g)(1)(B)(iii) of

the Fiscal Responsibility Act of 2023, Public Law 118-5, 4336a, 137 Stat. 42.

4336(c). To use another agency's CEs under section 109, the adopting agency must identify the relevant CEs listed in another agency's ("establishing agency") NEPA procedures that cover the adopting agency's 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 adopting agency plans to use for its proposed actions; and document adoption of the CE. *Id.*

This notice documents EPA's adoption of DOE's CE for Methane Gas Recovery and Utilization Systems under section 109 of NEPA to use in EPA's program and funding opportunities, including those administered for Congressionally directed spending for projects identified in EPA's Appropriations Acts. Types of projects funded under EPA's Appropriations Acts include activities that reduce greenhouse gas emissions and pollution in communities, including capturing methane from wastewater treatment plants and landfills.

## II. Identification of the Categorical Exclusion

EPA is adopting DOE's CE for Methane Gas Recovery and Utilization Systems. DOE's CE is codified in DOE's NEPA procedures as CE B5.21 of 10 CFR part 1021, subpart D, appendix B, as follows:

### *B5.21 Methane Gas Recovery and Utilization Systems*

The installation, modification, operation, and removal of commercially available methane gas recovery and utilization systems installed within a previously disturbed or developed area on or contiguous to an existing landfill or wastewater treatment plant that would not have the potential to cause a significant increase in the quantity or rate of air emissions. Covered actions would be in accordance with applicable requirements (such as local land use and zoning requirements) in the proposed project area and would incorporate appropriate control technologies and best management practices.

"Previously disturbed or developed" refers to land that has been changed such that its functioning ecological processes have been and remain altered by human activity. The phrase encompasses areas that have been transformed from natural cover to nonnative species or a managed state, including, but not limited to, utility and electric power transmission corridors and rights-of-way, and other areas

where active utilities and currently used roads are readily available. 10 CFR 1021.410(g)(1).

The DOE CE also includes additional conditions referred to as integral elements (10 CFR part 1021, subpart D, appendix B). In order to apply this CE, the proposal must be one that would not:

(1) Threaten a violation of applicable statutory, regulatory, or permit requirements for environment, safety, and health, or similar requirements of EPA<sup>1</sup> or Executive Orders;

(2) Require siting and construction or major expansion of waste storage, disposal, recovery, or treatment facilities (including incinerators), but the proposal may include categorically excluded waste storage, disposal, recovery, or treatment actions or facilities;

(3) Disturb hazardous substances, pollutants, contaminants, or CERCLA excluded petroleum and natural gas products that preexist in the environment such that there would be uncontrolled or unpermitted releases;

(4) Have the potential to cause significant impacts on environmentally sensitive resources. An environmentally sensitive resource is typically a resource that has been identified as needing protection through Executive Order, statute, or regulation by Federal, state, or local government, or a federally recognized Indian tribe. An action may be categorically excluded if, although sensitive resources are present, the action would not have the potential to cause significant impacts on those resources (such as construction of a building with its foundation well above a sole-source aquifer or upland surface soil removal on a site that has wetlands). Environmentally sensitive resources include, but are not limited to:

(i) Property (such as sites, buildings, structures, and objects) of historic, archeological, or architectural significance designated by a Federal, State, or local government, federally recognized Indian tribe, or Native Hawaiian organization, or property determined to be eligible for listing on the National Register of Historic Places;

(ii) Federally listed threatened or endangered species or their habitat (including critical habitat) or Federally proposed or candidate species or their habitat (Endangered Species Act); state listed or state-proposed endangered or threatened species or their habitat; Federally-protected marine mammals and Essential Fish Habitat (Marine Mammal Protection Act; Magnuson-

<sup>1</sup> Modified from 10 CFR part 1021 subpart D, app. B to reflect EPA as the adopting agency.

Stevens Fishery Conservation and Management Act); and otherwise Federally-protected species (such as the Bald and Golden Eagle Protection Act or the Migratory Bird Treaty Act);

(iii) Floodplains and wetlands;

(iv) Areas having a special designation such as Federally- and state designated wilderness areas, national parks, national monuments, national natural landmarks, wild and scenic rivers, state and Federal wildlife refuges, scenic areas (such as National Scenic and Historic Trails or National Scenic Areas), and marine sanctuaries;

(v) Prime or unique farmland, or other farmland of statewide or local importance, as defined at 7 CFR 658.2(a), "Farmland Protection Policy Act: Definitions," or its successor;

(vi) Special sources of water (such as sole-source aquifers, wellhead protection areas, and other water sources that are vital in a region); and

(vii) Tundra, coral reefs, or rain forests; or

(5) Involve genetically engineered organisms, synthetic biology, governmentally designated noxious weeds, or invasive species, unless the proposed activity would be contained or confined in a manner designed and operated to prevent unauthorized release into the environment and conducted in accordance with applicable requirements, such as those of the Department of Agriculture, EPA, and the National Institutes of Health.

### *Proposed EPA Category of Actions*

EPA intends to apply this CE to support proposals for the installation, modification, operation, and removal of commercially available methane gas recovery and utilization systems. The systems must be within a previously disturbed or developed area, and must be on or contiguous to an existing landfill or wastewater treatment plant. Activities covered by the CE may be undertaken directly by EPA or be financed in whole or in part through Federal funding opportunities, including those administered for Congressionally directed spending for projects identified in EPA's Appropriations Acts. EPA will consider each proposal for the installation, modification, operation, and removal of commercially available methane gas recovery and utilization projects to ensure that the proposal is within the scope of the CE.

## III. Consideration of Extraordinary Circumstances

When applying this CE, EPA will evaluate the proposed action to ensure consideration of the integral elements

listed above. In considering extraordinary circumstances, EPA will consider whether the proposed action has the potential to result in significant effects as described in DOE's extraordinary circumstances listed at 10 CFR 1021.410(b)(2). DOE defines extraordinary circumstances as unique situations presented by specific proposals, including, but not limited to, scientific controversy about the environmental effects of the proposal; uncertain effects or effects involving unique or unknown risks; and unresolved conflicts concerning alternative uses of available resources. In addition, EPA will consider its list of extraordinary circumstances as described at 40 CFR 6.204(b).

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

EPA and DOE consulted on the appropriateness of EPA's adoption of the CE in November 2023. EPA 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 EPA plans to utilize the CE. These EPA actions are very similar to the type of projects for which DOE has applied the CE and therefore the impacts of EPA projects will be very similar to the impacts of DOE projects, which are not significant, absent extraordinary circumstances. Therefore, EPA has determined that its proposed use of the methane gas recovery and utilization systems CE as described in this notice is appropriate.

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

This notice serves to identify to the public and document EPA's adoption of DOE's CE B5.21 for Methane Gas Recovery and Utilization Systems. This notice identifies the types of actions to which EPA will apply the CE, as well as the considerations that EPA will use in determining whether an action is within the scope of the CE.

Dated: February 14, 2024.

##### Timothy Hamlin,

Director, Land, Chemicals, and Redevelopment Division, EPA Region 10.

[FR Doc. 2024-03502 Filed 2-20-24; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OEJECR-2024-0072; FRL-11749-01-OEJECR]

#### Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Environmental Justice CPS and G2G Programs: Post-Award Reporting and Public Outreach Information Collections

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), Environmental Justice CPS and G2G Programs: Post-Award Reporting and Public Outreach Information Collections (EPA ICR Number 2807.01, OMB Control Number 2035-NEW) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a request for approval of a new collection. This notice allows for 60 days for public comments.

**DATES:** Comments must be submitted on or before April 22, 2024.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OEJECR-2024-XXXX, to EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [Docket\\_OMS@epa.gov](mailto:Docket_OMS@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

##### FOR FURTHER INFORMATION CONTACT:

Aarti Iyer, Office of the Chief Financial Officer, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; email address: [iyer.aarti@epa.gov](mailto:iyer.aarti@epa.gov); phone: 202-564-0214.

**SUPPLEMENTARY INFORMATION:** This is a request for approval of a new collection. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it

displays a currently valid OMB control number.

This notice allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

**Abstract:** The U.S. Environmental Protection Agency (EPA) makes competitive financial assistance awards to support projects that tackle environmental and public health challenges across the country. This is accomplished by working directly with community-based nonprofit organizations (CBOs) and state, local, territorial, and tribal governments that have strong ties to the communities in which they are working. To help get resources and funding to underserved and overburdened communities EPA offers the Environmental Justice Collaborative Problem Solving (EJCPS) and Environmental Justice Government to Government (EJG2G) cooperative agreement programs, which are designed to address multi-statute environmental and/or public health issues. The EJCPS and EJG2G grantees will operate in cooperative agreements with EPA in their efforts to collaborate