

The August 4, 2023, notice announced the Army's intention to prepare an EIS under the National Environmental Policy Act (NEPA). The EIS would have addressed potential environmental effects associated with the congressionally-mandated removal of the Confederate Memorial from Arlington National Cemetery (ANC). The Army determined the congressionally-mandated removal action is a non-discretionary action. There would be no reasonably foreseeable significant impacts from any discretionary elements of the proposed action. An EIS is therefore not needed to inform any decision-making for this action. The Army will prepare an Environmental Assessment (EA) to analyze and disclose any effects of the discretionary elements of the proposed action, including how to disassemble the Confederate Memorial.

**FOR FURTHER INFORMATION CONTACT:** Ms. Renea Yates, Director, Office of Army Cemeteries, 1 Memorial Avenue, Arlington, VA 22211; email: [anc-commemorative-works@army.mil](mailto:anc-commemorative-works@army.mil) (Note: This email is for administrative inquiries only. Any comments regarding the proposed action should not be sent to this email address, but should instead be submitted via comment form located at: <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>); (877) 907-8585.

**SUPPLEMENTARY INFORMATION:** The NOI was published in the **Federal Register** on August 4, 2023 (88 FR 149).

Congress directed the establishment of the Commission on the Naming of Items of the DoD that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America (the Naming Commission) in section 370 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (FY21 NDAA). Regarding the Confederate Memorial, the Naming Commission recommended the following:

- “The statue atop . . . the monument should be removed. All bronze elements on the monument should be deconstructed, and removed, preferably leaving the granite base and foundation in place to minimize risk of inadvertent disturbance of graves.”
- “The work should be planned and coordinated with the Commission of Fine Arts and the Historical Review Commission to determine the best way to proceed with removal of the monument.”
- “The Department of [the] Army should consider the most cost-

effective method of removal and disposal of the monument's elements in their planning.”

The FY21 NDAA, section 370(a), requires that “[n]ot later than [January 1, 2024], the Secretary of Defense shall implement the plan submitted by [the Naming Commission] and remove all names, symbols, displays, monuments, and paraphernalia that honor or commemorate the Confederate States of America . . . or any person who served voluntarily with the Confederate States of America from all assets of the Department of Defense.”

The purpose of the proposed action is to remove from ANC a monument that commemorates the Confederate States of America. The need for the proposed action is to comply with non-discretionary congressional direction.

The public scoping process did not reveal evidence of any reasonably foreseeable significant impacts resulting from discretionary actions. Overwhelmingly, public comments during the scoping process focused on the non-discretionary action of removing the Confederate Memorial from ANC. Because removal of the Confederate Memorial from ANC is legally required and non-discretionary, the question of whether to remove the monument is not subject to analysis under NEPA. The Army does not have the authority to take environmental factors into consideration in determining whether to remove the monument.

The Army will prepare an EA to analyze discretionary actions (*i.e.*, how to disassemble and remove the Confederate Memorial's bronze elements). The EA and Draft Finding of No Significant Impact (Draft FONSI) will be published locally and not in the **Federal Register**. The EA and Draft FONSI will also be available online at: <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>.

**James W. Satterwhite Jr.,**

*U.S. Army Federal Register Liaison Officer.*

[FR Doc. 2023-24302 Filed 11-2-23; 8:45 am]

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## DELAWARE RIVER BASIN COMMISSION

### Notice of Proposed Methodology for the 2024 Delaware River and Bay Water Quality Assessment Report

**AGENCY:** Delaware River Basin Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the methodology proposed to be used in the 2024 Delaware River and Bay Water Quality Assessment Report is available for review and comment.

**DATES:** Written comments on the assessment methodology or recommendations for the consideration of data sets will be accepted through 5 p.m. EST on February 1, 2024.

**ADDRESSES:** Written comments may be submitted through the Commission's web-based comment system, a link to which is provided at [www.drbc.gov](http://www.drbc.gov). All submissions should include the name and address (street address optional) of the commenter. Exceptions to use of the web-based comment system are available based on need, by writing to the attention of the Commission Secretary, DRBC, P.O. Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360. For assistance, please contact Patricia Hausler at [patricia.hausler@drbc.gov](mailto:patricia.hausler@drbc.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jacob Bransky, Senior Aquatic Biologist, [jacob.bransky@drbc.gov](mailto:jacob.bransky@drbc.gov), 609-477-7230.

**SUPPLEMENTARY INFORMATION:** The Delaware River Basin Commission (“DRBC” or “Commission”) is a Federal-interstate compact agency that was created in 1961 by concurrent legislation of the States of Delaware, New Jersey, and New York, the Commonwealth of Pennsylvania and the United States Government for purpose of jointly managing the water resources of the Delaware River Basin.

DRBC currently is compiling data for the *2024 Delaware River and Bay Water Quality Assessment Report* (“2024 Assessment”) required by the federal Clean Water Act (“CWA”). The 2024 Assessment will present the extent to which waters of the Delaware River and Bay are attaining designated uses in accordance with section 305(b) of the CWA and the Commission's Water Quality Regulations (incorporated by reference at 18 CFR part 410), and will identify impaired waters, which consist of waters in which surface water quality standards are not being met.

The proposed assessment methodology to be used in the 2024 Assessment is available for review at the following URL: <https://www.nj.gov/drbc/library/documents/WQAssessment2024MethodologyDRAFTOct2023.pdf>.

*Authority:* Delaware River Basin Compact, Public Law 87-328, Approved September 27, 1961, 75 Statutes at Large, 688, sec's 3.6(c), 3.6(h), 3.9, 3.9(a), 3.9(d), and 5.1.

Dated: October 18, 2023.

**Pamela M. Bush,**

*Commission Secretary.*

[FR Doc. 2023-24279 Filed 11-2-23; 8:45 am]

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## DEPARTMENT OF ENERGY

### National Nuclear Security Administration

#### Notice of Availability for the Final Site-Wide Environmental Impact Statement for Continued Operation of the Lawrence Livermore National Laboratory

**AGENCY:** National Nuclear Security Administration, Department of Energy.

**ACTION:** Notice of availability.

**SUMMARY:** The National Nuclear Security Administration (NNSA), a semi-autonomous agency within the United States (U.S.) Department of Energy (DOE), announces the availability of a Final Site-Wide Environmental Impact Statement for Continued Operation of the Lawrence Livermore National Laboratory (Final LLNL SWEIS) (DOE/EIS-0547) in compliance with the National Environmental Policy Act of 1969 (NEPA). NNSA prepared the Final LLNL SWEIS to analyze the potential environmental impacts associated with continuing LLNL operations and foreseeable new and/or modified operations and facilities for approximately the next 15 years. Volume 3 of the Final LLNL SWEIS is a comment response document (CRD), which includes all comments received during the public comment period on the Draft LLNL SWEIS, as well as NNSA's responses to those comments.

**DATES:** NNSA will not issue any Record of Decision (ROD) on the proposal for a minimum of 30 days after the date that the U.S. Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**.

**ADDRESSES:** Requests for additional information related to the Final LLNL SWEIS should be sent to Mr. Tom Grim, NEPA Document Manager, National Nuclear Security Administration, 1000 Independence Ave. SW, Washington, DC 20585; or sent by email to: [LLNLSWEIS@nnsa.doe.gov](mailto:LLNLSWEIS@nnsa.doe.gov).

The Final LLNL SWEIS is available for viewing and downloading on the NNSA NEPA Reading Room website ([www.energy.gov/nnsa/nnsa-nepa-reading-room](http://www.energy.gov/nnsa/nnsa-nepa-reading-room)) and the DOE NEPA website ([\*documents\*\). Copies of the Final LLNL SWEIS will also be available at the Livermore Public Library, 1188 South Livermore Avenue, Livermore, California, and the Tracy Public Library, 20 East Eaton Avenue, Tracy, California.](https://energy.gov/nepa/nepa-</a></p>
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**FOR FURTHER INFORMATION CONTACT:** For further information about this notice, please contact Mr. Tom Grim, NEPA Document Manager, National Nuclear Security Administration, 1000 Independence Ave. SW, Washington, DC 20585; call 833-778-0508 to leave a message; or email at: [LLNLSWEIS@nnsa.doe.gov](mailto:LLNLSWEIS@nnsa.doe.gov).

**SUPPLEMENTARY INFORMATION:** NNSA is responsible for meeting the national security requirements established by the President and Congress to maintain and enhance the safety, reliability, and performance of the U.S. nuclear weapons stockpile. The continued operation of LLNL is critical to NNSA's Stockpile Stewardship and Management Program, preventing the spread and use of nuclear weapons worldwide, and many other areas that may impact national security and global stability. The Final LLNL SWEIS analyzes two alternatives: (1) the No-Action Alternative and (2) the Proposed Action. The Final LLNL SWEIS also analyzes the new hybrid work environment under both alternatives due to increases in remote work at LLNL. Under the No-Action Alternative, NNSA would continue current facility operations throughout LLNL in support of assigned missions. The No-Action Alternative includes previously approved construction of new facilities; modernization, upgrade, and utility projects; and decontamination, decommissioning, and demolition of excess and aging facilities through 2022.

The Proposed Action includes the scope of the No-Action Alternative and an increase in current facility operations or enhanced operations that may require new or modified facilities and that are reasonably foreseeable over the next 15 years. Continued re-investment in site infrastructure would allow LLNL to meet mission deliverables and sustain science, technology, and engineering excellence to respond to future national security challenges. The Proposed Action includes 75 new projects, totaling 3.3 million square feet, between 2023 and 2035. This comprises 61 proposed projects, totaling 2.9 million square feet, at LLNL's main site in Livermore, California and 14 proposed projects, totaling 385,000 square feet, at LLNL's remote testing site, Site 300, near Tracy, California. In addition, NNSA proposes 20 types of modernization, upgrade, and utility

projects, each involving several facilities. Under the Proposed Action, NNSA would also decontaminate, decommission, and demolish 150 facilities, totaling 1,170,000 square feet. NNSA is also proposing operational changes that would increase the tritium emissions limits in the National Ignition Facility (Building 581) and the Tritium Facility (Building 331), decrease the administrative limit for fuels-grade-equivalent plutonium in the Superblock (Building 332), increase the administrative limits for plutonium-239 at Building 235, and revise the National Ignition Facility radioactive materials administrative limits to be consistent with DOE's Facility Hazard Categorization Standard. The Proposed Action also includes several projects to enhance the resilience of the energy infrastructure and demonstrate renewable power solutions.

This Final LLNL SWEIS contains revisions and new information based in part on comments received on the Draft LLNL SWEIS. These revisions and new information are indicated by sidebars in the margins. Volume 3 of the Final LLNL SWEIS contains summaries of the comments received, images of the comment documents, and NNSA's responses to the comments. NNSA considered all comments received on the Draft LLNL SWEIS in preparing the Final LLNL SWEIS.

NNSA will consider the environmental impact analysis presented in the Final LLNL SWEIS, along with other information, in making decisions regarding how operations will be conducted at LLNL, including construction and operation of new facilities, modification and upgrade of existing facilities and utilities, operational changes, and/or decontamination, decommission and demolition of excess and aging facilities. NNSA will not issue any ROD on the proposal for a minimum of 30 days after the date that EPA publishes its NOA in the **Federal Register**. NNSA will publish any ROD in the **Federal Register**.

#### Signing Authority

This document of the Department of Energy was signed on October 13, 2023, by Jill Hruby, Under Secretary for Nuclear Security and Administrator, National Nuclear Security Administration, 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