

the regional water quality control boards and the State Department of Toxic Substances Control to control the mobilization of contaminants and mitigate impacts.

### Decision

The continued operation of LLNL is critical to NNSA's Stockpile Stewardship and Management Program, to prevent the spread and use of nuclear weapons worldwide, and to many other areas that may impact national security and global stability. NNSA has decided to implement the Proposed Action. The Proposed Action will enable NNSA to fulfill its statutory missions and other responsibilities, considering economic, environmental, technical, and other factors.

### Basis for Decision

The Final SWEIS provided the NNSA decision-maker with important information regarding the potential environmental impacts of alternatives and options for satisfying the purpose and need. In addition to environmental information, NNSA also considered public comments, statutory responsibilities, strategic objectives, technical needs, safeguards and security, costs, and schedule in its decision-making.

### Mitigation Measures

No potential adverse impacts were identified that will require additional mitigation measures beyond those required by regulations, permits, and agreements or achieved through design features or best management practices. However, if mitigation measures above and beyond those required by regulations, permits, and agreements are needed to reduce impacts during implementation, they will be developed, documented, and executed. Because no new potential adverse impacts were identified that will require additional mitigation measures beyond those required by regulation or achieved through design features or best management practices, NNSA does not expect to prepare a Mitigation Action Plan.

### Signing Authority

This document of the Department of Energy was signed on February 8, 2024, by Jill Hruby, Under Secretary for Nuclear Security and Administrator, NNSA, 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 February 14, 2024.

**Treena V. Garrett,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2023-0098; FRL-10582-10-OCSPF]

### Certain New Chemicals or Significant New Uses; Statements of Findings for December 2023

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

**ACTION:** Notice.

**SUMMARY:** The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA submissions when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from December 1, 2023, to December 31, 2023.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2023-0098, is available online at <https://www.regulations.gov> or in-person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. For the latest

status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

### FOR FURTHER INFORMATION CONTACT:

*For technical information contact:* Rebecca Edelstein, New Chemical Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-1667 email address: [edelstein.rebecca@epa.gov](mailto:edelstein.rebecca@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Executive Summary

##### A. Does this action apply to me?

This action provides information that is directed to the public in general.

##### B. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of submissions under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the reporting period.

##### C. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a submission under TSCA section 5(a) and make one of several specific findings pertaining to whether the substance may present unreasonable risk of injury to health or the environment. Among those potential findings is that the chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment per TSCA section 5(a)(3)(C).

TSCA section 5(g) requires EPA to publish in the **Federal Register** a statement of its findings after its review of a submission under TSCA section 5(a) when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or

processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment” may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

*D. Does this action have any incremental economic impacts or paperwork burdens?*

No.

## II. Statements of Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs, and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

The following list provides the EPA case number assigned to the TSCA section 5(a) submission and the chemical identity (generic name if the specific name is claimed as CBI).

- P-23-0017, Hydrolyzed collagen, polymer with aromatic isocyanate, N-triethoxysylil-alkanamine, pectic polysaccharide and poly alkyl alcohol (Generic Name).
- P-23-0068, 1,3-Isobenzofurandione, hexahydro-, polymer with 1,4-cyclohexanedimethanol, isononanoate (CASRN 2773548-84-6).

To access EPA’s decision document describing the basis of the “not likely to present an unreasonable risk” finding made by EPA under TSCA section 5(a)(3)(C), look up the specific case number at <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/chemicals-determined-not-likely>.

*Authority:* 15 U.S.C. 2601 *et seq.*

Dated: February 13, 2024.

**Shari Z. Barash,**

*Acting Director, New Chemicals Division, Office of Pollution Prevention and Toxics.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2023-0475; FRL 10889-01-OW]

### Draft Guidance for Future National Pollutant Discharge Elimination System (NPDES) Permitting of Combined Sewer Systems

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

**ACTION:** Notice; request for comment.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is seeking comment on this draft Guidance to clarify and inform future National Pollutant Discharge Elimination System (NPDES) permitting actions for communities with combined sewer systems. This draft Guidance highlights the available approaches for permitting combined sewer overflow (CSO) communities nearing completion of the projects and activities identified in their Long-Term Control Plan (LTCP). The draft Guidance summarizes options under the Clean Water Act (CWA) that are articulated in the 1994 Combined Sewer Overflow Control Policy and the option to use the EPA’s 2012 Integrated Planning Framework to look holistically at future investments in controlling wastewater and stormwater discharges and improving water quality.

**DATES:** Comments must be received on or before March 21, 2024.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-HQ-OW-2023-0475, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30 a.m. to 4:30 p.m., Monday through Friday (except Federal Holidays).

*Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

## FOR FURTHER INFORMATION CONTACT:

Kathryn Kazior, Office of Wastewater Management, Water Permits Division (MC4203M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564-2696; email address: [kazior.kathryn@epa.gov](mailto:kazior.kathryn@epa.gov).

## SUPPLEMENTARY INFORMATION:

*Supporting Documentation.* The docket contains supporting materials that were referenced in the development of this Guidance.

## I. Executive Summary

The Combined Sewer Overflow (CSO) Control Policy (CSO Policy) was issued in 1994 and incorporated into the Clean Water Act (CWA) in 2000.<sup>1</sup> Since its issuance, communities with combined sewer systems nationwide have made substantial progress toward the goals established in the CSO Policy. During this same time, many factors that influence how communities address CSOs have evolved. Recognizing these ongoing changes and to aid communities addressing multiple municipal CWA requirements, in 2012, the EPA developed an Integrated Planning Framework that clarifies CWA flexibilities and offers a voluntary opportunity for a municipality to prioritize and sequence, where appropriate, those infrastructure projects that provide the greatest or fastest environmental and public health benefits. Integrated planning was added to the CWA in 2019.<sup>2</sup> The EPA is issuing this draft Guidance to clarify and inform future National Pollutant Discharge Elimination System (NPDES) permitting actions for communities with CSOs. This draft Guidance would be applicable to permitting actions once the CSO permittee has completed construction of CSO controls and demonstrated that they are achieving the performance objectives outlined in their Long-Term Control Plan (LTCP). The draft Guidance is intended to

<sup>1</sup> In the Wet Weather Water Quality Act of 2000, Congress added section 402(q) to the CWA to provide that each permit, order, or decree issued after December 21, 2000, for a discharge from a municipal combined storm and sanitary sewer shall conform to the 1994 Combined Sewer Overflow Control Policy (33 U.S.C. 1342(q)(1)).

<sup>2</sup> In the Water Infrastructure Improvement Act (H.R. 7279), Congress added section 402(s) to the CWA that defines an Integrated Plan as one developed in accordance with the 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework; and requires the EPA to inform municipalities of the opportunity to develop an Integrated Plan that may inform permit terms and conditions to help meet their existing CWA obligations (33 U.S.C. 1342(s)). These amendments clarified that municipalities may develop an Integrated Plan as defined under the CWA and the permitting authority may develop NPDES permit terms and conditions informed by that plan.