

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to AGP for conducting pile driving activities at the Port from July 16, 2024 through July 15, 2025, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed pile driving by AGP. We also request comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent renewal IHA.

On a case-by-case basis, NMFS may issue a one-time, one-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the Description of Proposed Activity section of this notice is planned; or (2) the activities as

described in the Description of Proposed Activity section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).

- The request for renewal must include the following:

1. An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

2. A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: April 1, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket No. DARS-2024-0012]

Acquisition of Items for Which Federal Prison Industries Has a Significant Market Share

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: DoD is publishing the updated annual list of product

categories for which the Federal Prison Industries' share of the DoD market is greater than five percent.

DATES: April 26, 2024.

FOR FURTHER INFORMATION CONTACT: Greg Snyder, 571-217-4920.

SUPPLEMENTARY INFORMATION: On November 19, 2009, a final rule was published in the **Federal Register** at 74 FR 59914, which amended the Defense Federal Acquisition Regulation Supplement (DFARS) subpart 208.6 to implement section 827 of the National Defense Authorization Act for Fiscal Year 2008 (Pub. L. 110-181). Section 827 changed DoD competition requirements for purchases from Federal Prison Industries, Inc. (FPI) by requiring DoD to publish an annual list of product categories for which FPI's share of the DoD market was greater than five percent, based on the most recent fiscal year data available. Product categories on the current list, and the products within each identified product category, must be procured using competitive or fair opportunity procedures in accordance with DFARS 208.602-70.

The Principal Director, Defense Pricing and Contracting (DPC), issued a memorandum dated March 26, 2024, that provided the current list of product categories for which FPI's share of the DoD market is greater than five percent based on fiscal year 2023 data from the Federal Procurement Data System. The product categories to be competed effective April 26, 2024, are the following:

- 3990 (Miscellaneous Materials Handling Equipment)
- 7110 (Office Furniture)
- 7210 (Household Furnishings)
- 8105 (Bags and Sacks)
- 8410 (Outerwear, Women's)
- 8415 (Clothing, Special Purpose)
- 8420 (Underwear and Nightwear, Men's)

The DPC memorandum with the current list of product categories for which FPI has a significant market share is posted at <https://www.acq.osd.mil/dpap/policy/policyvault/USA000443-24-DPC.pdf>.

The statute, as implemented, also requires DoD to—

(1) Include FPI in the solicitation process for these items. A timely offer from FPI must be considered and award procedures must be followed in accordance with existing policy at Federal Acquisition Regulation (FAR) 8.602(a)(4)(ii) through (v);

(2) Continue to conduct acquisitions, in accordance with FAR subpart 8.6, for items from product categories for which FPI does not have a significant market

share. FAR 8.602 requires agencies to conduct market research and make a written comparability determination, at the discretion of the contracting officer. Competitive (or fair opportunity) procedures are appropriate if the FPI product is not comparable in terms of price, quality, or time of delivery; and

(3) Modify the published list if DoD subsequently determines that new data requires adding or omitting a product category from the list.

Jennifer D. Johnson,

Editor/Publisher, Defense Acquisition Regulations System.

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DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Diversity and Inclusion; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness (USD(P&R)), Department of Defense (DoD).

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Diversity and Inclusion (DACODAI) will occur.

DATES: DACODAI will hold an open-to-the-public meeting—Thursday, May 2, 2024, from 9:00 a.m. to 12:20 p.m. Eastern Daylight Time (EDT) and Friday, May 3, 2024, from 9:00 a.m. to 12:20 p.m. EDT.

ADDRESSES: The in-person meeting will be held at the Association of the United States Army Conference and Event Center, 2425 Wilson Blvd., Arlington, VA 22201. In addition, the meeting will be held via videoconference. Participant access information will be provided after registering.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Raguindin, (571) 645-6952 (voice), osd.mc-alex.ousd-p-r.mbx.dacodai@mail.mil (email). Additional information is also available at the DACODAI website: <https://www.dhra.mil/DACODAI>.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of chapter 10 of title 5, United States Code (U.S.C.) (commonly known as the “Federal Advisory Committee Act” or “FACA”), 5 U.S.C. 552b (commonly known as the

“Government in the Sunshine Act”), and 41 CFR 102-3.140 and 102-3.150.

Availability of Materials for the Meeting: Additional information, including the agenda or any updates to the agenda, is available on the DACODAI website: <https://www.dhra.mil/DACODAI/>. Materials presented in the meeting may also be obtained on the DACODAI website.

Purpose of the Meeting: The purpose of the meeting is for the DACODAI to receive briefings and have discussions on topics related to racial/ethnic diversity, inclusion, and equal opportunity within the Armed Forces of the United States.

Agenda: Thursday, May 2, 2024, from 9:00 a.m. to 12:20 p.m. EDT. The DACODAI will begin in an open session with opening remarks by Ms. Shirley Raguindin, the Designated Federal Officer (DFO) and the DACODAI’s Chair, Gen. (Ret.) Lester Lyles. The DACODAI will receive the following briefings: (1) the Center for Naval Analysis by Dr. Elizabeth Clelan, Research Program Director, Navy Human Resources Program; (2) the Office of Force Resiliency (OFR), Violence Prevention Cell and Office of People Analytics—Command Climate Assessment and the Defense Organizational Climate Survey by Dr. Rachel Clare, Evaluation Specialist, OFR, and Dr. Ashlea Klahr, Acting Director, DoD OPA; and (3) the Department of Defense Talent Management by Mr. Brynt Parmeter, Chief Talent Management Officer, OUSD(P&R). Closing remarks will be provided by the Chair, Gen. (Ret.) Lyles, and Ms. Shirley Raguindin, DACODAI DFO, will adjourn the meeting.

Friday, May 3, 2024, from 9:00 a.m. to 12:20 p.m. EDT, the DACODAI will begin in an open session with opening remarks by Ms. Shirley Raguindin, the DFO and the DACODAI’s Chair, Gen. (Ret.) Lester Lyles. The DACODAI will receive the following briefings: (1) the Central Intelligence Agency (CIA) Strategy by Mr. Jerry Laurienti, Chief Diversity and Inclusion Officer, CIA, Ms. Helene Diiorio, CIA Director’s External Communications; (2) RAND Studies: (1) Impact of Eligibility Requirements and Propensity to Serve on Demographic Representation in the Department of the Air Force by Dr. Louise Mariano, Senior Statistician, RAND; and (2) Envisioning a New Racial Grievance Reporting and Redress System for the U.S. Military Focused Analysis on the Department of the Air Force by Dr. Dwayne Butler, Senior Management Scientist, Professor of Policy Analyses, Pardee RAND Graduate School; (3) DoD Inspector General

(DoDIG) Military Leadership Diversity Commission Recap of Military Service Component’s Progress by Ms. Aimee Hughes, Project Manager, Evaluations, DoDIG. Closing remarks will be provided by the Chair, Gen. (Ret.) Lyles, and Ms. Shirley Raguindin, DACODAI DFO, will adjourn the meeting.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102-3.140 and 102-3.150, this meeting is open to the public from 9:00 a.m. to 12:20 p.m. EDT on May 2, 2024; and from 9:00 a.m. to 12:20 p.m. on May 3, 2024 EDT. The meeting will be held via videoconference. The number of participants is limited and is on a first-come basis. All members of the public who wish to participate must register by contacting DACODAI at osd.mc-alex.ousd-p-r.mbx.dacodai@mail.mil or by contacting Ms. Shirley Raguindin at (571) 645-6952 no later than Friday, April 26, 2024, (by 5:00 p.m. EDT). Once registered, the web address and/or audio number will be provided.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Ms. Shirley Raguindin at osd.mc-alex.ousd-p-r.mbx.dacodai@mail.mil or (571) 645-6952 no later than Friday, April 26, 2024, (by 5:00 p.m. EDT) so appropriate arrangements can be made.

Written Comments and Statements: Pursuant to 41 CFR 102-3.140(c) and 41 CFR 102-3.105(j) and section 10(a)(3) of the FACA, the public or interested parties may submit written statements to the DACODAI membership about the DACODAI’s mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meetings of the DACODAI. All written statements shall be submitted to the DFO, Ms. Shirley Raguindin, for the DACODAI, who will ensure that the written statements are provided to the membership for their consideration. All written statements will be submitted to mailing address, 4800 Mark Center Drive, Suite 06E22, Alexandria, VA 22350. Members of the public interested in making an oral statement must submit a written statement. If a statement is not received by Friday, April 26, 2024, it may not be provided to or considered by the DACODAI during this biannual business meeting. After reviewing the written statements, the Chair and the DFO will determine if the requesting person(s) can make an oral presentation. The DFO will review all timely submissions with the DACODAI Chair and ensure they are provided to the members of the DACODAI.