PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):


(a) Comments Due Date
We must receive comments by August 12, 2019.

(b) Affected ADs
None.

(c) Applicability

(d) Subject
Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason
This AD was prompted by reports of missing or loosened fasteners on connecting brackets of overhead stowage compartments (OHSC) and pivoting OHSC (POHSC). We are issuing this AD to address loosening of the OHSC or POHSC fasteners. This condition, if not corrected, could lead to detachment of an OHSC or POHSC, possibly resulting in injury to airplane occupants and/or impeding egress during an emergency evacuation.

(f) Compliance
Comply with this AD within the compliance times specified, unless already done.

(g) Requirements
Except as specified in paragraph (h) of this AD, Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2019–0069.

(h) Exceptions to EASA AD 2019–0069
(1) For purposes of determining compliance with the requirements of this AD: Where EASA AD 2019–0069 refers to its effective date, this AD requires using the effective date of this AD.

(2) For purposes of determining compliance with the requirements of this AD: Paragraph (1) of EASA AD 2019–0069 applies to all airplanes except for airplanes identified by paragraph (2) of EASA AD 2019–0069.

(i) Other FAA AD Provisions
The following provisions also apply to this AD:

1. Alternative Methods of Compliance (AMOCs): The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (g)(2) of this AD. Information may be emailed to: 9-AMN-116-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

2. Required for Compliance (RC): For any service information referenced in EASA AD 2019–0069 that contains RC procedures and tests: Except as required by paragraph (i)(2) of this AD, RC procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(j) Related Information
(1) For information about EASA AD 2019–0069, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 89990 6017; email ADs@easa.europa.eu; Internet www.easa.europa.eu. You may find this EASA AD on the EASA website at https://ad.easa.europa.eu. You may view this EASA AD at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–319–3195. EASA AD 2019–0069 may be found in the AD docket on the internet at http://www.regulations.gov by searching for and locating Docket No. FAA–2019–0486.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 50318; telephone and fax 206–251–3223.

Issued in Des Moines, Washington, on June 18, 2019.

Michael Kaszyczyk,
Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2019–13420 Filed 6–26–19; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM19–10–000]

Transmission Planning Reliability Standard TPL–001–5

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to approve Reliability Standard TPL–001–5 (Transmission System Planning Performance Requirements). The North American Electric Reliability Corporation (NERC), the Commission-certified Electric Reliability Organization, submitted the proposed Reliability Standard for Commission approval to address: Reliability issues concerning the study of single points of failure of protection systems; and Commission directives regarding planned maintenance outages and stability analysis for spare equipment strategy. In addition, the Commission proposes to direct NERC to modify the Reliability Standard to require corrective action plans for protection system single points of failure in combination with a three-phase fault if planning studies indicate potential cascading.

DATES: Comments are due August 26, 2019.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

• Electronic Filing through http://www.ferc.gov. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.

• Mail/Hand Delivery: Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process,
conditions and contingencies. The proposed Reliability Standard employs a risk-based approach to the study of contingencies and the types of corrective action that are required if the entity’s system cannot meet the specified performance requirements. For scenarios considered to be more commonplace (i.e., planning events), the planning entity must develop a corrective action plan if it determines through studies that its system would experience performance issues. For the scenarios considered to be less commonplace but which could result in potentially severe impacts such as cascading (i.e., extreme events), the planning entity must conduct a comprehensive analysis to understand both the potential impacts on its system and the types of actions that could reduce or mitigate those impacts.

4. Proposed Reliability Standard TPL–001–5 contains revisions to both the planning event (Category F5) and extreme events (Stability 2.a–h)—identified in Table 1 (Steady State and Stability Performance Planning Events and Steady State and Stability Performance Extreme Events) and the associated footnote 13—to provide for a more comprehensive study of the potential impacts of protection system single points of failure. Planning entities would be required to take action, consistent with currently-effective Reliability Standard TPL–001–4 requirements, to address system performance issues identified as a result of these studies. Additionally, the proposed Reliability Standard addresses the two Commission directives in Order No. 786. Accordingly, pursuant to section 215(d)(2) of the FPA, the Commission proposes to approve proposed Reliability Standard TPL–001–5 because it is responsive to the Commission’s directives and improves upon the currently-effective Reliability Standard by enhancing requirements for the study of protection system single points of failure.

5. Non-redundant protection systems can also misoperate when faced with a three-phase fault. Because three-phase faults are more serious than single-phase-to-ground faults, the consequences can be more severe, including cascading. However, rather than require a corrective action plan to address such events, proposed Reliability Standard TPL–001–5 only requires an evaluation of possible actions designed to reduce the likelihood or mitigate their consequences and adverse impacts. NERC has not adequately justified categorizing protection system single points of failure in combination with a three-phase fault as an “extreme event” that only requires study, but not a corrective action plan, when there is the potential for cascading. We are not persuaded that such events do not necessitate corrective action plans because of their alleged rarity, particularly because their potential impacts may result in cascading. Thus, pursuant to section 215(d)(5) of the FPA, we also propose to direct that NERC develop modifications to the Reliability Standards to require corrective action plans for protection system single points of failure in combination with three-phase faults if planning studies indicate potential cascading.

I. Background

A. Section 215 and Mandatory Reliability Standards

6. Section 215 of the FPA requires a Commission-certified ERO to develop mandatory and enforceable Reliability Standards, subject to Commission review and approval. Reliability Standards may be enforced by the ERO, subject to Commission oversight, or by the Commission independently. Pursuant to section 215 of the FPA, the Commission established a process to
select and certify an ERO, and subsequently certified NERC.

**B. Order No. 754**

7. In Order No. 754, which approved an interpretation of Reliability Standard TPL–002–0, Requirement R1.3.10, the Commission determined that “there may be a system protection issue that merits further exploration by technical experts” and that there is “an issue concerning the study of the non-operation of non-redundant primary protection systems; e.g., the study of a single point of failure on protection systems.” To address this concern, the Commission directed “Commission staff to meet with NERC and its appropriate subject matter experts to explore the reliability concern, including where it can best be addressed, and identify any additional actions necessary to address the matter.” The Commission also directed NERC “to make an informational filing . . . explaining whether there is a further system protection issue that needs to be addressed and, if so, what forum and process should be used to address that issue and what priority it should be accorded relative to other reliability initiatives planned by NERC.”

8. In October 2011, Commission staff hosted a technical conference on single points of failure, which resulted in four consensus points and the following problem statement: “The group perceives a reliability concern regarding the comprehensive assessment of potential protection system failures by registered entities. The group agrees on the need to study if a [reliability] gap exists regarding the study and resolution of a single point of failure on protection systems.” One outcome of the 2011 technical conference, as described in the 2012 Informational Filing, was that NERC would issue a data request to aid in assessing whether single points of failure in protection systems pose a reliability concern. To that end, the NERC Board of Trustees subsequently approved a request for data under the NERC Rules of Procedure. Over the next two years, NERC collected data from transmission planners. Using the collected data, two subcommittees of the NERC Planning Committee, the System Protection and Control Subcommittee (SPCS) and the System Analysis and Modeling Subcommittee (SAMS), conducted an assessment of protection system single points of failure. The study examined in detail the protection systems related to nearly 4,000 buses. The findings were presented in a September 2015 report that concluded that single points of failure on protection systems posed a reliability risk that warranted further action.

The SPCS/SAMS Report recommended, after considering a variety of alternatives, that NERC modify Reliability Standard TPL–001–4 to best align with the Order No. 754 directives and maximize reliability of protection system performance. In particular, the SPCS/SAMS Report recommended that three-phase faults involving protection system failures be assessed as an extreme event in Reliability Standard TPL–001–4, as follows:

Additional emphasis in planning studies should be placed on assessment of three-phase faults involving protection system single points of failure. This concern (the study of protection system single points of failure) is appropriately addressed as an extreme event in TPL–001–4 Part 4.5. From TPL–001–4, Part 4.5: If the analysis concludes there is Cascading caused by the occurrence of extreme events, an evaluation of possible actions designed to reduce the likelihood or mitigate the consequences and adverse impacts of the event(s) shall be conducted.

**C. Order No. 786**

9. In Order No. 786, the Commission approved the currently-effective version of the transmission system planning standard, Reliability Standard TPL–001–4. In that Order, the Commission also issued several directives to NERC, including two relating to future standard modifications that are addressed in proposed Reliability Standard TPL–001–5. First, the Commission expressed concern that the six-month outage duration threshold in Reliability Standard TPL–001–4, Requirement R1 could exclude planned maintenance outages of significant facilities from future planning assessments. The Commission determined that planned maintenance outages of less than six months in duration may result in relevant impacts during one or both of the seasonal off-peak periods, and that prudent transmission planning should consider maintenance outages at those load levels when planned outages are performed to allow for a single element to be taken out of service for maintenance without compromising the ability of the system to meet demand without loss of load. The Commission further determined that a properly planned transmission system should ensure the known, planned removal of facilities (i.e., generation, transmission or protection system facilities) for maintenance purposes without the loss of nonconsequential load or detrimental impacts to system reliability such as cascading, voltage instability or uncontrolled islanding. The Commission directed NERC to modify the Reliability Standards to address this concern.

10. Second, while stating that NERC had met the Commission’s Order No. 693 directive to include a spare equipment strategy for steady state analysis in Reliability Standard TPL–001–4, the Commission determined that a spare equipment strategy for stability analysis was not addressed in the standard. The Commission stated that a similar spare equipment strategy for stability analysis should exist that requires studies to be performed for P0, P1, and P2 categories with the conditions that the system is expected to experience during the possible unavailability of the long lead time equipment. Rather than direct a change at that time, however, the Commission directed NERC to consider the issue during the next review cycle of Reliability Standard TPL–001–4.

**D. NERC Petition and Proposed Reliability Standard TPL–001–5**

11. On December 7, 2018, NERC submitted proposed Reliability Standard TPL–001–5 for Commission approval. NERC maintains that the proposed Reliability Standard addresses potential system contingencies including the protection system single point of failure issue and Order No. 786 directives.

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19 Order No. 786, 145 FERC ¶ 61,051 at PP 40–45.
20 Id. ¶ 88–89.
With regard to protection system single points of failure, NERC indicates that Table 1 of the proposed Reliability Standard describes system performance requirements for a range of potential system contingencies required to be evaluated by the planner. Table 1 includes three parts: (1) Steady State & Stability Performance Planning Events, (2) Steady State & Stability Performance Extreme Events, and (3) Steady State & Stability Performance Footnotes. Table 1 describes system performance requirements for a range of potential system contingencies required to be evaluated by the planner. The table categorizes the events as either “planning events” or “extreme events.” The table lists seven contingency planning events (P1 through P7) that require steady-state and stability analysis as well as five extreme event contingencies: three for steady-state and two for stability. NERC asserts that proposed Reliability Standard TPL–001–5 also includes certain modifications to better ensure that planning entities are performing a more complete analysis of potential protection system single points of failure on their systems and taking appropriate action to address these concerns. NERC explains that the proposed Reliability Standard contains revisions to both the Table 1 planning event (Category P5) and extreme events (Stability 2.a–h) and the associated footnote 13 to provide for more comprehensive study of the potential impacts of protection system single points of failure.

12. NERC states that if the study of a protection system single point of failure for a single-line-to-ground fault (i.e., Category P5 event) results in cascading, a corrective action plan is required. NERC considers this a relatively commonplace scenario, and it explains that an entity would be required to develop a corrective action plan if it determines that its system would be unable to meet the performance requirements of Table 1 for the Category P5 event.

13. In contrast, NERC proposes revisions to Table 1 to include the study of a protection system single point of failure in combination with a three-phase fault as an extreme event, which does not require a corrective action plan. NERC avers in its petition that the three-phase fault scenario is much rarer (compared to the single-line-to-ground fault). According to NERC, like the other extreme events in the proposed Reliability Standard, this scenario, while rare, could result in more significant impacts to an entity’s system. Under this approach, NERC asserts that, if an entity determines that its system will experience cascading as a result of a three-phase fault scenario, an evaluation of possible actions designed to reduce the likelihood or mitigate the consequences of the event will be conducted but a corrective action plan is not required.

14. Based on a historical analysis of NERC data on protection system misoperations, NERC asserts that the expected likelihood of a three-phase fault event occurring and resulting in the most severe cascade would be small. NERC states that it reviewed over 12,000 protection system misoperations in its Misoperation Information Data Analysis System (MIDAS) database reported since 2011, of which only 28 involved three-phase faults. Of those, NERC states that 10 involved breakers that failed to operate, and the remaining 18 involved breakers that were slow to operate. NERC explains that a failure to operate potentially indicates instances of a protection system single point of failure. While the potential for severe impacts from such events remains, NERC states that none of the 10 failure to trip scenarios reported since 2011 resulted in events that reached the threshold for reporting under Reliability Standard EOP–004 (Event Reporting).

With regard to the Order No. 786 directives, NERC states that proposed Reliability Standard TPL–001–5 provides for a more complete consideration of factors for selecting which known outages will be included in near-term transmission planning horizon studies. In particular, the modifications reflected in proposed Reliability Standard TPL–001–5 address the Commission’s concern that the exclusion of known outages of less than six months in currently-effective Reliability Standard TPL–001–4 could result in outages of significant facilities not being studied. Second, the proposed Reliability Standard modifies requirements for stability analysis to require an entity to assess the impact of the possible unavailability of long lead time equipment, consistent with the entity’s spare equipment strategy.

15. Pursuant to section 215(d)(2) of the FPA, the Commission proposes to approve proposed Reliability Standard TPL–001–5 as just, reasonable, not unduly discriminatory or preferential, and in the public interest. The proposed Reliability Standard will improve Bulk-Power System reliability by requiring enhanced transmission system planning with regard to the study of protection system single points of failure in combination with a single-line-to-ground fault, as discussed in Order No. 754. The Commission also proposes to approve the associated violation risk factors, violation severity levels and implementation plan.

16. With respect to the Order No. 786 directives, regarding planned maintenance outages and stability analysis for spare equipment strategy, the Commission proposes to determine that the revisions satisfy the directives. First, proposed Reliability Standard TPL–001–5 provides for a more complete consideration of factors for selecting which known outages will be included in near-term transmission planning horizon studies. In particular, the modifications reflected in proposed Reliability Standard TPL–001–5 address the Commission’s concern that the exclusion of known outages of less than six months in currently-effective Reliability Standard TPL–001–4 could result in outages of significant facilities not being studied. Second, the proposed Reliability Standard modifies requirements for stability analysis to require an entity to assess the impact of the possible unavailability of long lead time equipment, consistent with the entity’s spare equipment strategy.

17. In addition, the Commission, pursuant to section 215(d)(5) of the FPA, proposes to direct NERC to develop modifications to the Reliability Standards because certain protection system single points of failure may not be fully addressed even with the implementation of proposed Reliability Standard TPL–001–5. As discussed below, the Commission is concerned that the proposed Reliability Standard does not require responsible entities to develop corrective action plans to address protection system single points of failure.
of failure in combination with a three-phase fault if planning studies indicate potential cascading. Accordingly, the Commission proposes to direct that NERC develop modifications to the Reliability Standards to require corrective action plans for protection system single points of failure in combination with three-phase faults if planning studies indicate potential cascading.

A. The Record Indicates There Is a Reliability Gap for a Protection System Single Point of Failure in Combination With a Three-Phase Fault

18. While protection system single points of failure in combination with a three-phase fault must be studied under the proposed Reliability Standard to determine the impact of failure, the Commission believes that the record may not support NERC’s contention that corrective action plans should not be required even when studies of the event indicate the potential for cascading. Specifically, NERC asserts that protection system single points of failure in combination with a three-phase fault is an extreme event that does not require a corrective action plan, even in cases where the study results indicate potential cascading. NERC claims that protection system single points of failure in combination with a three-phase fault are rare and, “[l]ike all of the ‘extreme events’ scenarios in this [TPL–001 Standard risk-based] framework, the impacts of a protection system single point of failure in combination with a three phase fault could be severe in some cases, but are very unlikely.”

26 Based on the present record, it is unclear whether such contingencies are as rare as NERC maintains.

19. A 2009 NERC Industry Advisory reported three system disturbances that occurred during a five-year period that were initiated by a protection system single point of failure in combination with a single-line-to-ground fault.27 According to the Industry Advisory and supporting documentation, all three events evolved into either a multi-phase fault or a three-phase fault with cascading.28 Moreover, in the 2012 Informational Filing, NERC reported that it is not uncommon for a single-line-to-ground fault to evolve into a multi-phase fault, and NERC stated that studies solely on single-line-to-ground faults may understate the reliability risk of single points of failure of protection systems.29 As mentioned below, the NERC standard drafting team pointed to the likelihood of a single-line-to-ground fault evolving into a multi-phase fault when responding to stakeholder comments that a single-line-to-ground fault was a rare event.

20. NERC indicates that it reviewed over 12,000 protection system misoperations and determined that only 28 involved three-phase faults from 2011 through 2016. However that averages to approximately one three-phase fault every three months. NERC, moreover, indicates that ten of those 28 misoperations involved breakers that failed to operate that could reasonably be assumed to be representative of protection system single points of failure, which averages to about one event every 8 months.30 Although we recognize that three-phase faults constitute a relatively small subset of all protection system operations, under the following measure of one protection system single point of failure every 8 months, the occurrence of three-phase faults with misoperations could reasonably be viewed as regular occurrences. Thus, based on the information currently before us, we are not persuaded by NERC’s analysis that three-phase faults are rare events that should be categorized with other extreme events in proposed Reliability Standard TPL–001–5 and should be studied but not have corrective action plans.

21. The record of development for proposed Reliability Standard TPL–001–5 also supports our concerns with the absence of a corrective action plan requirement. The development record evidences a standard drafting team repeatedly expressing concerns regarding the reliability risks of three-phase faults involving protection system single points of failure. Indeed, the standard drafting team evaluated and initially adopted more robust options to mitigate protection system single points of failure in combination with three-phase faults if studies indicated cascading, including requiring a corrective action plan or some variation of a corrective action plan.

22. In the first draft of proposed Reliability Standard TPL–001–5, the standard drafting team included a draft requirement (Requirement R4.6) that would have addressed protection system single points of failure in combination with a three-phase fault, including a specific requirement for the development of a corrective action plan.31 After reviewing the unofficial comments on the proposal, the standard drafting team provided the following response:

The [standard drafting team (SDT)] recognized that the industry comments . . . were particularly negative. The SDT would like to address the most common comment received: Requiring Corrective Action Plans as part of Requirement R4.6 goes beyond the scope of the SAR, was not part of the recommendations from the SPCCS/SAMS report titled “Order No. 754 Assessment of Protection System Single Points of Failure Based on the Section 1600 Data Request”, and/or is not justifiable given the low likelihood of occurrence. . . . While it is clear that a [single point of failure (SPF)] for a Protection System component may lead to significantly longer Delayed Clearing and notably worse system response than typically analyzed breaker failure conditions, the industry has indicated that the probability of simultaneous SPF occurrence with a bolted three-phase fault is low. Therefore the SDT has restored the assessment of SPF for a Protection System component with a three-phase fault to language consistent with TPL–001–4 Requirement 4.5.

While the standard drafting team agreed to remove the corrective action plan provision in response to the stakeholder comments, the following language from the standard drafting team’s response stressed the reliability concerns posed by protection system single points of failure in combination with a three-phase fault, and suggested that the related risks are “underappreciated”:

The SPF for a Protection System component is an important topic that, the SDT believes, may involve risks that are underappreciated. The SDT considered using Corrective Action Plan changes in proposed Requirement 4.6 or a new Table 1 Planning Events Category P6 to emphasize the importance of this issue, but given the industry comments and lack of a FERC directive did not “raise the bar” at this time.

The SDT would like to document an important considerations [sic] it considered, that the fault conditions and system performance requirements, referred to as Performance Measure, of the Order 754 data

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26 NERC Petition at 26.


28 Id. at 2 (“Three system disturbances were caused by failure of a single component [lockout or auxiliary relay] of a protection system.”).

29 2012 NERC Informational Filing at 3, 10 (“[Identifying] five events between 2004 and 2010 in which a single point of failure on a protection system caused, in whole or in part, an event on the Bulk-Power System . . . ”).

30 NERC Petition at 26–27. NERC stated that none of the ten failure to trip scenarios reached the threshold for reporting under Reliability Standard EOP–004. Although NERC did not offer further explanation, system conditions such as off-peak load conditions could have contributed to whether Reliability Standard EOP–004 thresholds were met.

31 NERC Petition, Ex. G (Summary of Development and Complete Record of Development) at page 372–373 of pdf (if the analysis concludes there is Cascading caused by the occurrence of Table 1 extreme events listed in the stability column for events 2e–2h, a Corrective Action Plan shall be developed.”).
request were very similar to those of Extreme Events of TPL–001–4 Table 1, namely three-phase fault application and conditions that can indicate Cascading. The primary conclusive finding of the SPCS/SAMS report was: “analysis of the data demonstrates the existence of a reliability risk associated with single points of failure in protection systems that warrants further action.” Further, the SPCS/SAMS report concluded that: “additional emphasis in planning studies should be placed on assessment of three-phase faults involving protection system single points of failure.”

The standard drafting team’s above response acknowledged the importance of a corrective action plan and noted conclusive findings of the SPCS/SAMS report that the reliability risk associated with protection system single points of failure warrants further action. The standard drafting team, nonetheless, indicated that “lacking a FERC directive” it would remove the corrective action plan provision.

23. The standard drafting team then developed a second draft of proposed Reliability Standard TPL–001–5. The second draft did not require a corrective action plan by name. Rather, the standard drafting team developed and submitted for ballot a new provision requiring that, when system studies show that a protection system single points of failure in combination with a three-phase fault results in system cascading, the entity must take specific actions, namely “listing system deficiencies, the associated actions needed to prevent the system from cascading and the associated timetable for implementation.”

Further, the proposed provision would require follow-up in annual planning assessments for “continued validity and implementation status.”

24. The standard drafting team developed a technical rationale document that accompanied the second draft of the proposed Reliability Standard. In the draft technical rationale document, the standard drafting team explained the technical basis for draft Requirement R4.2.2:

Given the risk to BES reliability, additional emphasis in planning studies should be placed on assessment of three-phase faults involving Protection System SPF. This concern (the study of Protection System SPF) is appropriately addressed as an extreme event in TPL–001–4, Requirement R4, Part 4.2. While less probable than single-phase-to-ground faults, three-phase faults typically initiate as single-phase-to-ground and often evolve into three-phase faults, leading to Delayed Fault Clearing scenarios more severe than the Table 1 P5 event. Therefore, TPL–001–4, Requirement R4, Part 4.5, which specifies that an evaluation of possible mitigating actions be conducted if analysis concludes there is cascading caused by the occurrence of this extreme event, is inadequate to address the risk of Protection System component SPF to the reliability of the BES.

Again, the standard drafting team expressed its concerns regarding the reliability risks associated with a protection system single point of failure in combination with a three-phase fault. The standard drafting team addressed the stakeholder comments regarding the perceived low risk of such conditions by pointing out that “[w]hile less probable than single-phase-to-ground faults, three-phase faults typically initiate as single-phase-to-ground and often evolve into three-phase faults, leading to Delayed Fault Clearing scenarios more severe than the Table 1 P5 event.”

Further, the standard drafting team stated that the inadequacy of simply conducting an “evaluation” as set forth in the relevant provision of the current Reliability Standard.38

25. The standard drafting team developed a third draft of the proposed Reliability Standard. This third draft removed the more robust provision (proposed Requirement R4.2.2) in favor of the currently proposed language in Requirement 4.2, which requires that “[i]f the analysis concludes there is Cascading caused by the occurrence of extreme events, an evaluation of possible actions designed to reduce the likelihood or mitigate the consequences of the event(s) shall be conducted.”

Significantly, however, in the draft technical rationale document associated with the second draft of the proposed Reliability Standard, the standard drafting team stated that merely requiring that “an evaluation of possible mitigating actions be conducted if analysis concludes there is cascading caused by the occurrence of this extreme event, is inadequate to address the risk of Protection System component SPF to the reliability of the BES.”

26. The standard development history discussed above therefore supports our concern that there is a potential reliability gap with respect to the proposed Reliability Standard’s treatment of protection system single points of failure in combination with a three-phase fault.

27. The Commission, pursuant to section 215(d)(5) of the FPA, proposes to direct that NERC develop modifications to require corrective action plans for protection system single points of failure in combination with three-phase faults if planning studies indicate potential cascading. While we do not propose to prescribe how NERC should respond to the proposed directive, we discuss below certain possible alternatives.

28. NERC could address the proposed directive by modifying the current Category 5 proposal for single-line-to-ground faults (that already includes a P5 corrective action plan) to include language, such as, a footnote stating that the simulation of Delayed Fault Clearing must consider that a single-line-to-ground faulted condition may evolve to all three-phases before protection system action operates to clear the fault. Alternatively, NERC could modify the Reliability Standard to have a new Category planning event that would require a corrective action plan for the study of a protection system single point of failure in combination with a three-phase fault if the study indicates cascading.

29. In addition, we recognize that during the standard drafting process for proposed Reliability Standard TPL–001–5 some stakeholders were concerned with incurring significant costs to mitigate protection system single points of failure in combination with a three-phase fault, while others stated that such actions do not usually incur significant costs. While we are aware of the potential for increased costs, some stakeholders suggested the removal of Requirement R4.2.2 again suggesting that three-phase fault followed by a protection failure is a low probability event. Id. at page 1327 of pdf.

30. The standard development record indicates several stakeholder comments in support of a corrective action plan requirement for protection system single points of failure in combination with a three-phase fault that was proposed in the third draft. For example, one commenter suggested “the best way to achieve this [corrective action plan] requirement is through the creation of a P8 [new category planning event] contingency rather than extreme events.” Another commenter stated it “does not believe though that the language goes far enough . . . and believes a corrective action plan should be required.” Id. at pages 2283, 2291, 2415, and 2424 of pdf.

31. See id. at page 1506 and 1746 of pdf.

32. See, e.g., id. at page 1016 (Seattle City Light), 1019 (Arizona Public Service), 1044 (Northeast Power Coordinating Council), 1048 (Eversource Energy), 1331 and 1333 (Standard Drafting Team Response to Comments) of pdf.
For example, a corrective action plan to eliminate a single point of failure of protection system could add a redundant lockout relay in the control circuitry of a protection system, which would eliminate occurrence of those events reported in the 2009 NERC Industry Advisory. As another option, an entity could add control center monitoring and reporting functions to a DC battery bank or to a communication system of a communication-aided protection scheme so that system operators are aware of their failure. To better understand the potential for increased costs and other implementation issues, the Commission seeks comment on how many corrective action plans are expected for protection system single points of failure in combination with a three-phase fault if study results indicate cascading.

30. To ensure no delay and to align the effective date of the proposed directive with the current implementation plan of proposed Reliability Standard TPL–001–5, the Commission proposes to direct that NERC address the directive within one year of the effective date of a final rule. The Commission seeks comments on its proposals.

III. Information Collection Statement

31. The FERC–725N information collection requirements contained in this notice of proposed rulemaking are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995. OMB’s regulations require approval of certain information collection requirements imposed by agency rules. Upon approval of a collection of information, OMB will assign an OMB control number and expiration date. Respondents subject to the filing requirements of this rule will not be penalized for failing to respond to these collections of information unless the collections of information display a valid OMB control number. The Commission solicits comments on this information collection requirement, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents’ burden, including the use of automated information techniques.

32. The Commission bases its paperwork burden estimates on the changes in paperwork burden presented by proposed Reliability Standard TPL–001–5. The NERC Compliance Registry, as of May 10, 2019, identifies approximately 144 planning coordinators and transmission planners in the United States that are subject to mandatory compliance with this proposed Regulatory Standard. Of the 144 entities 62 of the entities are registered as both transmission planners and planning coordinators. The register indicates there are seven entities registered as planning coordinators and 137 entities registered as transmission planners.

33. Burden Estimate: The estimated burden and cost for the requirements contained in this proposed rule follows:

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This notice of proposed rulemaking will not significantly change existing burdens on an ongoing basis. The Commission estimates a one-time burden increase for Year 1 only because Year 1 represents a one-time task not repeated in subsequent years.

The one-time burden for FERC–725N information collection can be averaged over three years:

- 7,416 hours ÷ 3 = 2,472 (rounded) hours/year over three years.

34. **Title:** FERC–725N, Mandatory Reliability Standards: Transmission Planning (TPL) Reliability Standards. **Action:** Proposed revision to FERC–725N information collection. **OMB Control No.** 1902–0264. **Respondents:** Businesses or other for-profit institutions; not-for-profit institutions. **Frequency of Responses:** One Time.

**Necessity of the Information:** This notice of proposed rulemaking proposes to approve the requested modifications to a Reliability Standard pertaining to transmission planning. As discussed above, the Commission proposes to approve proposed Reliability Standard TPL–001–5 pursuant to section 215(d)(2) of the FPA because it improves upon the currently-effective Reliability Standard TPL–001–4.

**Internal Review:** The Commission has reviewed proposed Reliability Standard TPL–001–5 and made a determination that its action is necessary to implement section 215 of the FPA. The Commission has assured itself, by means of its internal review, that there is specific, objective support for the burden estimates associated with the information requirements.

35. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director, email: DataClearance@ferc.gov; phone: (202) 502–8663, fax: (202) 273–0873].

36. For submitting comments concerning the collection(s) of information and the associated burden estimate(s), please send your comments to the Commission, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW, Washington, DC 20503, [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–0710, fax: (202) 395–2885]. For security reasons, comments to OMB should be submitted by email to: oira_submission@omb.eop.gov. Comments submitted to OMB should include Docket Number RM19–10–000 and FERC–725N (OMB Control No. 1902–0264).

### IV. Environmental Analysis

37. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment. The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion or an Environmental Impact Statement are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.

38. The actions proposed herein fall within this categorical exclusion in the Commission’s regulations.

### V. Regulatory Flexibility Act Analysis

38. The Regulatory Flexibility Act of 1980 (RFA) generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. The Small Business Administration’s (SBA) Office of Size Standards develops the numerical definition of a small business.

56  The SBA revised its size standard for electric utilities (effective January 22, 2014) to a standard based on the number of employees, including affiliates (from the prior standard based on megawatt hour sales).

57  Proposed Reliability Standard TPL–001–5 is expected to impose an additional burden on 206 entities (planning coordinators and transmission planners).

40. Of the 206 affected entities discussed above, we estimate that approximately 10 percent of the affected entities are small entities. We estimate that each of the 21 small entities to whom the proposed modifications to proposed Reliability Standard TPL–001–5 apply will incur one-time costs of approximately $1,980 per entity to implement the proposed Reliability Standard. We do not consider the estimated costs for these 21 small entities to be a significant economic impact. Accordingly, we propose to certify that proposed Reliability Standard TPL–001–5 will not have a significant economic impact on a substantial number of small entities.

### VI. Comment Procedures

41. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due August 26, 2019. Comments must refer to Docket No.
IV. Crosswalk of Proposed Changes

II. Overview of Proposed Rule
A. Indian Student Eligibility
B. Funding Formula

III. Subpart-by-Subpart Summary of Proposed Changes

VII. Document Availability

II. Overview of Proposed Rule
A. Indian Student Eligibility
1. History of Indian Student Eligibility for Benefits of JOM Education Contracts
2. March 2018 Proposed Rule: Comments and Responses
3. Proposed Revisions to Indian Student Eligibility Requirements
B. Funding Formula
C. Other Reconciliation and Modernization
III. Subpart-by-Subpart Summary of Proposed Changes

SUPPLEMENTARY INFORMATION:
I. Background
II. Overview of Proposed Rule
A. Indian Student Eligibility
1. History of Indian Student Eligibility for Benefits of JOM Education Contracts
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V. Tribal Consultation
VI. Procedural Requirements
A. Regulatory Planning and Review (E.O. 12866 and 13563)
B. Reducing Regulation and Controlling Regulatory Costs (E.O. 13771)
C. Regulatory Flexibility Act
D. Small Business Regulatory Enforcement Fairness Act
E. Unfunded Mandates Reform Act
F. Takings (E.O. 12630)
G. Federalism (E.O. 13132)
H. National Environmental Policy Act
I. Consultation With Indian Tribes (E.O. 13211)
J. Paperwork Reduction Act
K. OMB Control Number 1076–AF24
L. Effects on the Energy Supply (E.O. 13208)
M. Clarity of This Regulation
N. Public Availability of Comments

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 273

[190D0102DR/DSS5A300000/ DR.5A311.IA000119] [FR Doc. 2019–13582 Filed 6–26–19; 8:45 am]

RIN 1076–AF24

Education Contracts Under Johnson–O’Malley Act

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: Under the Johnson O’Malley (JOM) Act, the Bureau of Indian Education (BIE) provides assistance, through contracts, for Indian students attending public schools and non-sectarian private schools. Congress recently updated the JOM Act with the JOM Supplemental Indian Education Program Modernization Act (JOM Modernization Act). This proposed rule would implement the JOM Act, as amended, to clarify the eligibility requirements for Indian students to receive the benefits of a JOM contract, to clarify the funding formula and process to ensure full participation of contracting parties, and to otherwise reconcile and modernize the rules to comport with the activities of the contracting parties under the Act, as amended.

DATES: Please submit comments by August 26, 2019.

ADDRESSES: You may submit comments by any of the following methods:

—Federal rulemaking portal: http://www.regulations.gov. The rule is listed under the agency name “Bureau of Indian Affairs.”

—Email: consultation@bia.gov. Include the number 1076–AF24 in the subject line of the message.


For further information contact: Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, (202) 273–4680; elizabeth.appel@bia.gov.