

## 6. Real Power Loss Return (Schedule 11)

Bonneville requires transmission customers to replace real power losses associated with transmission service. Real power losses are determined using real power loss factors established by Bonneville in Schedule 11. Bonneville is modifying the real power loss return factor for transmission service over the Network segment. The rates applicable to real power losses may be established in the BP–22 proceeding and are outside the scope of the TC–22 tariff proceeding.

## 7. EIM Tariff Terms and Condition Proposals (Sections 1, 7.1, 10.2, 12.4, 13.6, 14.7, 15.7, 16.1, 28.1, 28.5, 28.7, 29.2, 30.1, 30.4, Schedules 4 and 9, and Attachment Q)

Since 2018, Bonneville has been exploring whether to join the Western EIM, which is an extension of the CAISO real-time market. The EIM is operated by the CAISO, which uses market software to economically dispatch participating generation resources to balance supply, transfers between balancing authority areas (interchange), and load across the market's footprint, while also simultaneously ensuring generation and transmission limitations are respected. For balancing authorities in the EIM (EIM Entities), the EIM replaces Energy Imbalance and Generator Imbalance under the EIM Entities' respective open access transmission tariffs. In September of 2019, following an extensive public process, Bonneville issued the Energy Imbalance Market Policy Administrator's Record of Decision, in which the Administrator made a number of policy decisions related to Bonneville's potential participation in the EIM and signed an EIM Implementation Agreement—a first step to joining the EIM. In that ROD, Bonneville explained its intent to continue through the EIM evaluation process, with the expectation that a final decision on EIM participation would be made in 2021. If Bonneville decides to join the EIM, actual participation is projected to begin in 2022. To position BPA to join the EIM in 2022, Bonneville must establish the Tariff terms and conditions and rates for participating in the EIM. Thus, a major portion of the TC–22 tariff proceeding will be dedicated to developing the Tariff terms and conditions language necessary to facilitate Bonneville's participation in the EIM in 2022. The rates for participating in the EIM are being established in the BP–22 proceeding (rates are outside the scope of the TC–22 tariff proceeding).

**Part V—Proposed Tariff**

Bonneville's proposed Tariff is part of this notice and is available to view and download on Bonneville's website at [www.bpa.gov/goto/TC22](http://www.bpa.gov/goto/TC22).

**Signing Authority**

This document of the Department of Energy was signed on November 19, 2020, by John L. Hairston, Acting Administrator and Chief Executive Officer of the Bonneville Power 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 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 November 19, 2020.

**Treena V. Garrett,**

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

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**DEPARTMENT OF ENERGY**

**[FE Docket No. 19–34–LNG]**

**Annova LNG Common Infrastructure, LLC; Application To Amend Export Term Through December 31, 2050, for Existing Non-Free Trade Agreement Authorization**

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice (Notice) of receipt of an application (Application), filed on November 24, 2020, by Annova LNG Common Infrastructure, LLC (Annova LNG). Annova LNG seeks to amend the export term set forth in its current authorization to export liquefied natural gas (LNG) to non-free trade agreement countries, DOE/FE Order No. 4491, to a term ending on December 31, 2050. Annova LNG filed the Application under the Natural Gas Act (NGA) and DOE's policy statement entitled, "Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year

2050" (Policy Statement). Protests, motions to intervene, notices of intervention, and written comments on the requested term extension are invited.

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, December 16, 2020.

**ADDRESSES:**

*Electronic Filing by email:* [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov).

*Regular Mail:* U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

*Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.):* U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Benjamin Nussdorf or Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–7893; (202) 586–2627, [benjamin.nussdorf@hq.doe.gov](mailto:benjamin.nussdorf@hq.doe.gov) or [amy.sweeney@hq.doe.gov](mailto:amy.sweeney@hq.doe.gov).

Cassandra Bernstein or Edward Toyozaki, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9793; (202) 586–0126, [cassandra.bernstein@hq.doe.gov](mailto:cassandra.bernstein@hq.doe.gov) or [edward.toyozaki@hq.doe.gov](mailto:edward.toyozaki@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** On February 10, 2020, in Order No. 4491, DOE/FE authorized Annova LNG to export domestically produced LNG in a volume equivalent to 360 billion cubic feet per year of natural gas, pursuant to NGA section 3(a), 15 U.S.C. 717b(a).<sup>1</sup> Annova LNG is authorized to export this LNG from the proposed Annova LNG Brownsville Project, to be located on the Brownsville Ship Channel in Cameron County, Texas, to any country with which the United States has not entered

<sup>1</sup> *Annova LNG Common Infrastructure, LLC, DOE/FE Order No. 4491, FE Docket No. 19–34–LNG, Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Feb. 10, 2020).*

into a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries) for a 20-year term. In the Application,<sup>2</sup> Annova LNG asks DOE to extend its current export term to a term ending on December 31, 2050, as provided in the Policy Statement.<sup>3</sup> Additional details can be found in the Application, posted on the DOE/FE website at: <https://www.energy.gov/sites/prod/files/2020/11/f81/Annova%202050%20Application.pdf>.

### DOE/FE Evaluation

In the Policy Statement, DOE adopted a term through December 31, 2050 (inclusive of any make-up period), as the standard export term for long-term non-FTA authorizations.<sup>4</sup> As the basis for its decision, DOE considered its obligations under NGA section 3(a), the public comments supporting and opposing the proposed Policy Statement, and a wide range of information bearing on the public interest.<sup>5</sup> DOE explained that, upon receipt of an application under the Policy Statement, it would conduct a public interest analysis of the application under NGA section 3(a). DOE further stated that “the public interest analysis will be limited to the application for the term extension—meaning an intervenor or protestor may challenge the requested extension but not the existing non-FTA order.”<sup>6</sup>

Accordingly, in reviewing Annova LNG’s Application, DOE/FE will consider any issues required by law or policy under NGA section 3(a), as informed by the Policy Statement. To the extent appropriate, DOE will consider the study entitled, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports (2018 LNG Export Study)*,<sup>7</sup> DOE’s response to public comments received

on that Study,<sup>8</sup> and the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);<sup>9</sup>
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States*, 79 FR 32260 (June 4, 2014);<sup>10</sup> and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update*, 84 FR 49278 (Sept. 19, 2019), and DOE/FE’s response to public comments received on that study.<sup>11</sup>

Parties that may oppose the Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

### Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable, addressing the Application. Interested parties will be provided 15 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention. The public previously was given an opportunity to intervene in, protest, and comment on Annova LNG’s long-term non-FTA application. Therefore, DOE will not consider comments or protests that do not bear directly on the requested term extension.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve

to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov), with FE Docket No. 19–34–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation, Analysis, and Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 19–34–LNG. *Please Note:* If submitting a filing via email, please include all related documents and attachments (*e.g.*, exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this Notice by parties, including the parties’ written comments and replies thereto. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation, Analysis, and Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE web address: <https://www.energy.gov/fe/services/natural-gas-regulation>.

<sup>2</sup> Annova LNG Common Infrastructure, LLC, Application to Amend Export Term for Existing Long-Term Authorization Through December 31, 2050, FE Docket No. 19–34–LNG (Nov. 24, 2020).

<sup>3</sup> U.S. Dep’t of Energy, Extending Natural Gas Export Authorizations to Non-Free Trade Agreement Countries Through the Year 2050; Notice of Final Policy Statement and Response to Comments, 85 FR 52237 (Aug. 25, 2020) [hereinafter Policy Statement].

<sup>4</sup> See *id.*, 85 FR 52247.

<sup>5</sup> See *id.*, 85 FR 52247.

<sup>6</sup> *Id.*, 85 FR 52247.

<sup>7</sup> See NERA Economic Consulting, *Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports* (June 7, 2018), available at: <https://www.energy.gov/sites/prod/files/2018/06/f52/Macroeconomic%20LNG%20Export%20Study%202018.pdf>.

<sup>8</sup> U.S. Dep’t of Energy, Study on Macroeconomic Outcomes of LNG Exports: Response to Comments Received on Study; Notice of Response to Comments, 83 FR 67251 (Dec. 28, 2018).

<sup>9</sup> The Addendum and related documents are available at: <http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

<sup>10</sup> The 2014 Life Cycle Greenhouse Gas Report is available at: <http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>.

<sup>11</sup> U.S. Dep’t of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States: 2019 Update—Response to Comments, 85 FR 72 (Jan. 2, 2020). The 2019 Update and related documents are available at: <https://fossil.energy.gov/app/docketindex/docket/index/21>.

Signed in Washington, DC, on November 25, 2020.

**Amy Sweeney,**

*Director, Office of Regulation, Analysis, and Engagement, Office of Fossil Energy.*

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**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Notice of Guidance for Potential Applicants Involving Critical Minerals and Related Activity

**AGENCY:** Loan Programs Office, Department of Energy.

**ACTION:** Notice of guidance for potential applicants involving critical minerals and related activity.

**SUMMARY:** The U.S. Department of Energy (“DOE”) hereby provides notice of guidance for applicants to the Loan Programs Office under Title XVII of the Energy Policy Act of 2005 (Title VXII) and the Energy Independence and Security Act of 2007 (ATVM statute). The guidance describes the types of applicants and projects that may be considered by the Loan Programs Office under Title XVII and the ATVM statute.

**DATES:** DOE will accept applications regarding the foregoing from December 1, 2020 through February 1, 2021. For further information, please visit: <https://www.energy.gov/lpo/application-process>.

**ADDRESSES:** Interested parties are to submit applications electronically through the following link: <https://www.energy.gov/lpo/application-process>. Additional guidance and information may be found at: <https://www.energy.gov/lpo/loan-programs-office>.

#### FOR FURTHER INFORMATION CONTACT:

Questions may be addressed to: John Lushetsky, Senior Advisor, Loan Programs Office, (202) 586-2678, U.S. Department of Energy LP 10, 1000 Independence Avenue SW, Washington DC, 20585, or by email to: [john.lushetsky@hq.doe.gov](mailto:john.lushetsky@hq.doe.gov). *Electronic communications are recommended for correspondence and required for submission of application information.*

**SUPPLEMENTARY INFORMATION:** Executive Order 13953 (“Executive Order Addressing the Threat to the Domestic Supply Chain from Reliance on Critical Minerals from Foreign Adversaries,” dated September 30, 2020, establishes policy pertaining to lending activities by the U.S. Department of Energy Loan Programs Office (“LPO”) pursuant to Title XVII of the Energy Policy Act of 2005, *as amended* (42 U.S.C. 16511, *et*

*seq.*) (“Title XVII”), and Section 136 of the Energy Independence and Security Act of 2007, *as amended* (42 U.S.C. 17013) (the “ATVM Statute”), as they apply to “Critical Minerals,” “Critical Minerals Production,” and related activities, including activities related to minerals more broadly. *See: https://www.whitehouse.gov/presidential-actions/executive-order-addressing-threat-domestic-supply-chain-reliance-critical-minerals-foreign-adversaries.* “Critical Minerals” and “Critical Minerals Production,” involving thirty-five identified Critical Minerals, are further defined by Section 2(b) of Executive Order 13817 (“A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals,” dated December 20, 2017). *See: https://www.whitehouse.gov/presidential-actions/presidential-executive-order-federal-strategy-ensure-secure-reliable-supplies-critical-minerals.*

#### Preference for Minerals, Including Critical Minerals

Pursuant to Executive Order 13953 and Executive Order 13817, it is the policy of LPO to consider all eligible projects under Title XVII and the ATVM Statute in the context of Critical Minerals and the production of Critical Minerals and other minerals. Consistent with the policies expressed in Executive Order 13953 and 13817, it is also the policy of LPO to interpret the Title XVII Program and the ATVM Program broadly to encourage applications from potential projects involving the production, manufacture, recycling, processing, recovery, or reuse of Critical Minerals and other minerals. LPO will evaluate all applications on a case-by-case basis.

#### Title XVII Projects

Under Title XVII, DOE may, consistent with applicable law, issue loan guarantees in support of projects (“Title XVII Eligible Projects”) that: (a) Avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; (b) employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued; (c) attain specified emission requirements (*see* 42 U.S.C. 16513(d)); and (d) fall within the following categories (*see* 42 U.S.C. 16513(b) and (c)):

1. Renewable energy systems.
2. Advanced fossil energy technology (including coal gasification that attains specified emission requirements) (*see* 42 U.S.C. 16513(d)).

3. Hydrogen fuel cell technology for residential, industrial, or transportation applications.

4. Advanced nuclear energy facilities.

5. Carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon.

6. Efficient electrical generation, transmission, and distribution technologies.

7. Efficient end-use energy technologies.

8. Production facilities for the manufacture of fuel-efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.

9. Pollution control equipment.

10. Refineries, meaning facilities at which crude oil and other substances are refined into gasoline and other products.

11. Certain gasification projects specified in 42 U.S.C. 16513(c).

#### Examples of Potential Minerals Projects Under Title XVII

Minerals or Minerals Production projects that may qualify for support under Title XVII include, without limitation, the following:

1. Mining, processing, or milling of Critical Minerals utilizing efficient end-use energy technologies (Efficient end-use energy technologies);

2. Processing or refining of uranium for nuclear fuel (Advanced nuclear energy facilities);

3. Processing of zirconium for cladding of uranium fuel elements (Advanced nuclear energy facilities);

4. Processing of antimony for use as a neutron source in nuclear reactors during reactor startup (Advanced nuclear energy facilities);

5. Renewable energy projects that produce Critical Minerals as by-products of, or adjuncts to, power generation activities, including geothermal projects that produce lithium or other Critical Minerals (Renewable energy systems);

6. Advanced fossil energy projects that produce or extract Critical Minerals, including rare earth elements, from power plant byproducts (including fly ash and coal refuse) (Advanced fossil energy projects); and

7. Other Critical Minerals projects that meet the criteria of Title XVII.

Each applicant for a loan guarantee will be required to demonstrate that the proposed project satisfies the statutory requirements necessary for the proposed project to constitute a Title XVII Eligible Project.