agreement, EONY proposes to: (1) Continue to operate the project in a run-of-river mode; (2) provide a minimum flow in the bypassed reach of 28 cfs; (3) install seasonal trashracks with 1-inch spacing; (4) implement a Trashrack Operations and Maintenance Plan, a Bat and Eagle Protection Plan, an Invasive Species Management Plan, and an Impoundment Drawdown and Coffee Dam Plan; and (5) implement several improvements to an existing fishing platform to make it accessible to persons with disabilities, including the addition of an accessible parking space, an associated access aisle and access route from the accessible parking space to the fishing platform, and modifications to the railing surrounding the fishing platform.

m. A copy of the application is available for review via the Commission’s website at http://www.ferc.gov using the “eLibrary” link. Enter the docket number excluding the last three digits in the docket number field to access the document (P–4334).

For assistance, contact FERC Online Support. At this time, the Commission has suspended access to the Commission’s Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19) issued by the President on March 13, 2020. For assistance, contact FERC at FERCONlineSupport@ferc.gov or call toll-free, (866) 208–3676 or (202) 502–8659 (TTY). In addition, the public portions of the application will be made available during regular business hours at two locations: (1) EONY’s Lyonsdale, NY office located at 7659 Lyonsdale Road, Lyons Falls, New York 13368; and (2) Bodman Memorial Library located at 8 Aldrich Street, Philadelphia, New York 13673.

You may also register online at http://www.ferc.gov/docs-filing/esubscription.asp to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title “PROTEST” or “MOTION TO INTERVENE;” (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: June 21, 2021.

Kimberly D. Bose, Secretary.

[FR Doc. 2021–13600 Filed 6–24–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PL21–2–000]

State Voluntary Agreements To Plan and Pay for Transmission Facilities

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of policy statement.

SUMMARY: This policy statement addresses state efforts to develop transmission facilities through voluntary agreements to plan and pay for those facilities. We clarify that Voluntary Agreements are not categorically precluded by the Federal Power Act (FPA) or the Commission’s existing rules and regulations, and encourage interested parties considering the use of such agreements to consult with Commission staff. To the extent that states, public utility transmission providers, or other stakeholders believe that the relevant tariffs impose barriers to Voluntary Agreements, the Commission is open to filings to remove or otherwise address those barriers.

2. Developing cost-effective and reliable transmission facilities remains a priority of this Commission. Voluntary Agreements may further those goals by, for example, providing states with a way to prioritize, plan, and pay for transmission facilities that, for whatever reason, are not being developed pursuant to the regional transmission planning processes required by Order No. 1000. In addition, in some cases, Voluntary Agreements may allow state-prioritized transmission facilities to be planned and built more quickly than would comparable facilities that are...

1. This policy statement addresses state efforts to develop transmission facilities through voluntary agreements to plan and pay for those facilities (Voluntary Agreements). Voluntary Agreements include agreements among: (1) Two or more states; (2) one or more states and one or more public utility transmission providers; or (3) two or more public utility transmission providers.

We clarify that Voluntary Agreements are not categorically precluded by the Federal Power Act (FPA) or the Commission’s existing rules and regulations, and encourage interested parties considering the use of such agreements to consult with Commission staff. To the extent that states, public utility transmission providers, or other stakeholders believe that the relevant tariffs impose barriers to Voluntary Agreements, the Commission is open to filings to remove or otherwise address those barriers.

2. Developing cost-effective and reliable transmission facilities remains a priority of this Commission. Voluntary Agreements may further those goals by, for example, providing states with a way to prioritize, plan, and pay for transmission facilities that, for whatever reason, are not being developed pursuant to the regional transmission planning processes required by Order No. 1000. In addition, in some cases, Voluntary Agreements may allow state-prioritized transmission facilities to be planned and built more quickly than would comparable facilities that are...

16 U.S.C. 791a et seq.,


Order No. 1000, 136 FERC ¶ 61,051 at P 146. Order No. 1000 established rules and regulations addressing, among other things, regional transmission planning, interregional transmission coordination, and cost allocation methods for new transmission facilities. These rules, including each public utility transmission provider to participate in a regional transmission planning process that produces a regional transmission plan and complies with certain transmission planning principles...
planned through the regional transmission planning process(es).

3. Nevertheless, we are concerned that confusion regarding the relationship between Voluntary Agreements and Commission rules and regulations may be deterring such agreements. Accordingly, in this policy statement, we clarify that neither the FPA nor the Commission’s rules and regulations categorically preclude Voluntary Agreements among: (1) Two or more states; (2) one or more states and one or more public utility transmission providers; or (3) two or more public utility transmission providers to plan and pay for new transmission facilities. In particular, we note that Order No. 1000 allows market participants, including states, to negotiate voluntarily alternative cost sharing arrangements that are distinct from the relevant regional cost allocation method(s).4

4. As an illustration, we note that the Commission accepted certain non-Order No. 1000, alternative cost sharing arrangements in the context of Order No. 1000 compliance filings.5 In the case of PJM, the Commission held that it “need not find that the State Agreement Approach and corresponding cost allocation method comply with Order No. 1000.”6 Specifically, with regard to PJM’s State Agreement Approach, the Commission found the approach supplemented and did “not conflict or otherwise replace” PJM’s Order No. 1000 process to consider transmission needs driven by public policy requirements.7

5. More recently, the Commission approved a study agreement that initiated a Voluntary Agreement process in PJM. There, the New Jersey Board of Public Utilities (New Jersey Board), acting pursuant to PJM’s State Agreement Approach, issued an order formally requesting that PJM open a competitive proposal window to solicit proposals for transmission facilities to expand the PJM transmission system and to identify system improvements to interconnect and provide for the deliverability of 7,500 MW of offshore wind generation into New Jersey by 2035. The New Jersey Board and PJM entered into a study agreement directing PJM to solicit proposals for possible transmission facilities and analyze them to determine the more efficient or cost-effective enhancement or expansion of transmission facilities to meet New Jersey’s offshore wind goals.8 The New Jersey Board explained that this type of collaborative approach to transmission planning will help ensure that the high-voltage transmission system accommodates state clean energy policies and represents a type of state-federal collaboration consistent with Commission rules and regulations.9

6. To the extent that states or public utility transmission providers believe there are barriers to Voluntary Agreements in Commission-jurisdictional tariffs or other agreements, we encourage them to identify those barriers and, as necessary, consider making filings before this Commission to address those barriers. Commission staff is available to consult on these issues as states, public utility transmission providers, and other stakeholders consider addressing such barriers and the topic of Voluntary Agreements more generally. We encourage relevant parties to contact Commission staff regarding all potential Voluntary Agreements.

I. Document Availability

7. In addition to publishing the full text of this document in the Federal Register, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission’s Home Page (https://www.ferc.gov). At this time, the Commission has suspended access to the Commission’s Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020.

8. From the Commission’s Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

9. User assistance is available for eLibrary and the Commission’s website during normal business hours from the Commission’s Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

By direction of the Commission, Commissioner Chatterjee is not participating.

Commissioner Danly is concurring with a separate statement attached.

Commissioner Christie is concurring with a separate statement attached.

Issued: June 17, 2021.

Debbie-Anne A. Reese,
Deputy Secretary.

Department of Energy

Federal Energy Regulatory Commission

State Voluntary Agreements To Plan and Pay for Transmission Facilities

PL21–2–000

DANLY, Commissioner, concurring:

1. I concur in the issuance of this policy statement on state voluntary agreements to plan and pay for transmission facilities. I do not know what it accomplishes, but we are not “categorically precluded” from issuing it, and if there is a chance that it can help critical transmission infrastructure to be built, then I see no reason to oppose it.

2. The policy states that “[W]e are concerned that confusion regarding the relationship between Voluntary Agreements and Commission rules and regulations may be deterring [Voluntary]
agreements.”\(^1\) We do not cite any examples of such confusion, but—who knows—it may well exist.

3. To attempt to dispel this possible confusion, we “clarify that Voluntary Agreements are not categorically prohibited by the Federal Power Act (FPA)\(^2\) or the Commission’s existing rules and regulations.”\(^3\) This amounts to a declaration that the FPA and existing rules and regulations do not obviously prohibit all Voluntary Agreements—I have no quarrel with that. But I do believe it necessary to remind everyone that each Voluntary Agreement must still individually pass muster under our statute and regulations.

4. The actual policy in our statement is an invitation:

To the extent that states or public utility transmission providers believe there are barriers to Voluntary Agreements in Commission-jurisdictional tariffs or other agreements, we encourage them to identify those barriers and, as necessary, consider making filings before this Commission to address those barriers.\(^4\)

5. We do not need a policy statement to invite filings. But there is no harm in it. I also invite and welcome filings before the Commission so that we can ensure that critical transmission, and critical natural gas pipelines, and other critical infrastructure, can obtain the approvals and regulatory certainty they require in order to be built.

For these reasons, I respectfully concur.

James P. Danly, Commissioner.

Department of Energy

Federal Energy Regulatory Commission

State Voluntary Agreements To Plan and Pay for Transmission Facilities

Docket No. PL21–2–000

CHRISTIE, Commissioner, concurring:

1. I concur and write separately to add the following.

2. Today’s Policy Statement reemphasizes that voluntary agreements among states to promote transmission development to meet state public policies are not categorically precluded by Commission rules and regulations. Order No. 1000 made clear that states voluntarily could negotiate alternative cost sharing arrangements that are distinct from the relevant regional cost allocation method\(^2\) and that order highlighted a vehicle for multiple states to cooperate, interstate compacts. As the Policy Statement notes, the Commission has accepted certain alternative cost sharing arrangements in the context of Order No. 1000 compliance filings.\(^4\) I would note that voluntary agreements are open to all states without regard to whether they participate in Regional Transmission Organizations (RTOs) or Independent System Operators (ISOs)\(^5\) and they need not be limited in purpose to transmission only. Relevant history illustrates.

3. RTOs/ISOs\(^6\) were established more than two decades ago during the “restructuring” era that saw about half the states initially adopt some version of policies requiring their vertically-integrated utilities to divest or at least “functionally separate” their generating assets, which were then supposed to compete on price to retail ISO markets with independent power producers (“IPPs,” sometimes called “NUGS” for non-utility generators—the acronyms float like confetti in this business).\(^7\)

4. Importantly, the states which chose to participate in RTO/ISO markets during the restructuring era shared a general consensus that the purpose of RTOs/ISOs was to plan the regional transmission necessary to promote reliability at the least-cost to consumers and to operate energy and capacity markets to provide consumers with least-cost power on a non-discriminatory basis, i.e., without regard to the source of the electrons (sometimes called “economic dispatch”). Federal regulation reflected this consensus in the purpose of RTOs/ISOs.

5. That consensus no longer exists at either the state or federal levels. The past several years have seen an increasing divergence of public policies in states that are members of multi-state RTOs/ISOs, over such fundamental issues as mandated resource mixes, compensation in capacity markets, transmission planning criteria and cost allocation, and carbon taxes.\(^8\) The disappearance of the original consensus about the purpose of RTO/ISO markets has serious implications across a range of issues, but the adoption of this Policy Statement by the Commission offers a good time to emphasize that states that wish to cooperate with other states which share similar public-policy goals—whether environmental, reliability or economic—have options for achieving regional benefits outside the context of RTO/ISO participation.

6. In particular, I would point out that while this Policy Statement emphasizes the potential availability of voluntary agreements among states to promote interstate transmission development, voluntary state agreements may also be available for other purposes. Before the restructuring era, many state-regulated utilities participated in multi-state power pools\(^9\) designed to support reliability by wheeling power from state to state when needed to avoid load shedding, as well as facilitating bilateral

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\(^2\) To U.S.C. § 791 et seq.

\(^3\) Policy Statement, 175 FERC ¶ 61,225 at P 1.

\(^4\) Id. P 6.


\(^6\) See Policy Statement at PP 3–4, nn.4–5.

\(^7\) See id. at n.4. Interstate compacts among states must be approved by Congress. U.S. Const. art.1, section 10, cl. 3.

\(^8\) See Regional Transmission Organizations, Order No. 2000, FERC Stats. & Regs. ¶ 31,089 (1999) (citing PJM’s State Agreement Approach as an example of a vehicle by which a state or states may voluntarily pursue transmission projects to fulfill their own individual public policies and bear the costs of such policy-driven projects themselves.).

\(^9\) Technically speaking, state-regulated utilities participate in RTO/ISOs, subject to state law.

\(^{10}\) That consensus no longer exists at either the state or federal levels. The past several years have seen an increasing divergence of public policies in states that are members of multi-state RTOs/ISOs, over such fundamental issues as mandated resource mixes, compensation in capacity markets, transmission planning criteria and cost allocation, and carbon taxes.


\(^{10b}\) This divergence did not happen yesterday, but has been building. One commentator wrote ten years ago that “. . . state legislation and regulatory choices continue to push the electricity industries of the various states along vastly different paths.” Ari Peskoe, A Challenge for Federalism: Achieving National Goals in the Electricity Industry, 18 Mo. Envtl. L. & Pol’y Rev. 209, 211 (2011) (“Peskoe”) (emphasis added).

\(^{10c}\) For over half a century, PJM was a power pool. See https://pjm.com/about-pjm/who-we-are/pjm-history.
sales of excess power. These sales would benefit customers of the selling utility, when booked as a customer credit for off-system sales, and benefit customers of the purchasing utility when booked in the “fuel factor” at cost, with no return on equity (ROE) applied.

7. Options such as these are still available. Through the use of interstate compacts, enabling legislation could create multi-state entities that can plan transmission projects—as this Policy Statement encourages—but such entities also could be designed to function as modern, innovative versions of power pools aligned with the member states’ public policies as to resource adequacy and preferences. The enabling legislation could also ensure a sufficient state role in the governance to ensure that the authority was used only in accordance with member-state policies.

8. States sharing similar public policies which desire to collaborate with each other to obtain the benefits of regional cooperation have innovative options to explore and consider whether they participate in an RTO/ISO or do not. The adoption of this Policy Statement is a good time to emphasize that opportunity.

For these reasons, I respectfully concur.

Mark C. Christie,
Commissioner.

[FR Doc. 2021–13440 Filed 6–24–21; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

[FRL–10025–03–OP]

Request for Nominations of Candidates for the Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office requests public nominations of scientific experts for the CASAC PM Panel. This panel will provide advice through the chartered CASAC on updates to the science and policy assessments supporting the agency’s reconsideration of the December 2020 decision to retain the PM National Ambient Air Quality Standards (NAAQS).

DATES: Nominations should be submitted by July 16, 2021.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564–2050 or via email at yeow.aaron@epa.gov.

General information concerning the CASAC can be found on the following website: https://epa.gov/casac.

SUPPLEMENTARY INFORMATION: Background: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and NAAQS and recommend to the EPA Administrator any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC shall also: Advise the EPA Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS; describe the research efforts necessary to provide the required information; advise the EPA Administrator on the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and advise the EPA Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS. As amended, 5 U.S.C., App. Section 109(d)(1) of the Clean Air Act (CAA) requires that EPA carry out a periodic review and revision, as appropriate, of the air quality criteria and the NAAQS for the six “criteria” air pollutants, including PM. The ecological effects of PM will be covered as part of the ongoing review of the secondary NAAQS for oxides of nitrogen, oxides of sulfur, and PM.

The EPA Administrator recently announced his decision to reconsider the December 2020 decision to retain the particulate matter (PM) National Ambient Air Quality Standards (NAAQS). These standards were last revised in 2012. EPA is reconsidering the 2020 decision because available scientific evidence and technical information suggests that the current standards may not be adequate to protect public health and welfare. EPA has requested that CASAC review updates to the science and policy assessments that will supplement the existing record. The CASAC PM Panel will provide advice through the Chartered CASAC.

The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA). As a Federal Advisory Committee, the CASAC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. The CASAC and the CASAC PM Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Request for Nominations: The SAB Staff Office is seeking nominations of nationally and internationally recognized scientists with demonstrated expertise and research in the field of air pollution related to criteria pollutants. For the CASAC PM Panel, experts are being sought in the following fields, especially with respect to PM: Air quality and climate responses, atmospheric science and chemistry, toxicology, controlled human exposure studies, epidemiology, biostatistics, exposure assessment/modeling, risk assessment/modeling, and visibility impairment.

Process and Deadline for Submitting Nominations: Any interested person or organization may nominate qualified individuals in the areas of expertise described above. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form under “Public Input on Membership” on the CASAC web page at https://epa.gov/casac. To be considered, all nominations should include the information requested below. EPA values diversity. All qualified candidates are encouraged to apply regardless of sex,