

transmission lines.<sup>235</sup> Potomac Economics addresses neither these operational and software concerns, nor the level of support for the three-year implementation schedule.

100. With regard to Potomac Economics' argument that the Commission should require implementation of fixed emergency ratings as soon as practicable, we find that the three-year implementation schedule is consistent with the implementation schedule most commonly suggested by transmission owners for AAR implementation on priority transmission lines,<sup>236</sup> and both the Commission and commenters explained that the availability of emergency ratings will need to be factored into ATC calculations.<sup>237</sup> Potomac Economics has not demonstrated that the implementation of emergency ratings on a faster timeline is feasible, particularly in the non-RTO/ISO regions and particularly in light of the challenges associated with updating ATC calculations articulated by commenters.<sup>238</sup> Moreover, as a matter of policy, there are administrative efficiencies to requiring implementation of all the requirements adopted in Order No. 881 on the same timeline. Specifically, by maintaining a single implementation timeline, the implementation burdens are lessened in that all transmission line rating recalculations must only be done once. In contrast, Potomac Economics' suggestion would require the calculation of seasonal emergency ratings followed by a separate calculation of emergency ratings to comply with the AAR requirements for the same transmission line. Thus, requiring implementation of all the requirements adopted in Order No. 881 on the same timeline is appropriate given the interrelationship between the AAR requirements, the emergency ratings requirements, and the requirement that AARs also be calculated for "uniquely determined emergency ratings."<sup>239</sup> Therefore, as explained above, we sustain the findings in the final rule that justify a

three-year implementation timeline for the other requirements of Order No. 881 and believe it appropriate to include the emergency ratings requirements in the same timeline.

#### E. Other Issues

101. ATC requests clarification that its current seasonal line ratings methodology meets the intent of Order No. 881 by providing what it characterizes as "four seasons of accurate, science-based weather parameters" and that its current AAR approach satisfies the requirements of Order No. 881.<sup>240</sup>

102. In response to ATC's request for clarification, we find that the appropriate proceeding for the Commission to make such a determination is through transmission providers' Order No. 881 compliance filings. As explained in Order No. 881, each transmission provider must submit a compliance filing within 120 days of the effective date of the final rule revising their OATT to incorporate *pro forma* OATT Attachment M.<sup>241</sup> The Commission acknowledged that "some public utility transmission providers may have provisions in their existing *pro forma* OATTs or other document(s) subject to the Commission's jurisdiction that the Commission has deemed to be consistent with or superior to the *pro forma* OATT."<sup>242</sup> Where Order No. 881 modifies these provisions, "transmission providers must either comply with the requirements adopted in this final rule or demonstrate that these previously approved variations continue to be consistent with or superior to the *pro forma* OATT, as modified by this final rule."<sup>243</sup> The compliance filing required by Order No. 881 is the proper vehicle for presenting this evidence to the Commission.

#### III. Information Collection Statement

103. The burden estimates have not changed from the final rule.

#### IV. Regulatory Flexibility Act Certification

104. The Regulatory Flexibility Act of 1980 (RFA)<sup>244</sup> generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. Pursuant to section 605(b) of the RFA, we still conclude that the final rule will not have a significant

economic impact on a substantial number of small entities.

#### V. Document Availability

105. 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 FERC's Home Page (<http://www.ferc.gov>) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington DC 20426.

106. From FERC'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.

107. User assistance is available for eLibrary and the FERC's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto: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](mailto:public.referenceroom@ferc.gov).

#### VI. Effective Date

108. The effective date of the document published on January 13, 2022 (87 FR 2244), is confirmed: March 14, 2022.

By the Commission.

Issued: May 19, 2022.

**Debbie-Anne A. Reese,**  
Deputy Secretary.

[FR Doc. 2022-11233 Filed 5-24-22; 8:45 am]

BILLING CODE 6717-01-P

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

#### 18 CFR Part 375

[Docket No. RM22-15-000; Order No. 883]

#### Certification of Uncontested Settlements by Settlement Judges

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission) is revising its delegation of authority regulations to authorize the Chief

<sup>235</sup> *Id.* P. 361 (citing comments in support of a three-year implementation schedule).

<sup>236</sup> *Id.* P. 361 (citing EEI Comments at 18; NRECA/LPPC Comments at 28-29; MISO Transmission Owners Comments at 22-23; SCE Comments at 2; SDG&E Comments at 1-2; APS Comments at 10; WFECC Comments at 1; Southern Company Comments at 6-7; ITC Comments at 5; LADWP Comments at 8-9).

<sup>237</sup> *Id.* PP 293, 296.

<sup>238</sup> *Id.* P. 59 (citing BPA Comments at 3-4; PacifiCorp Comments at 2; Imperial Irrigation District Comments at 5-6; EEI Comments at 10-11; CAISO Comments at 10).

<sup>239</sup> *Id.* P. 305.

<sup>240</sup> ATC Request for Clarification at 1.

<sup>241</sup> Order No. 881, 177 FERC ¶ 61,179 at P. 12.

<sup>242</sup> *Id.* P. 363; see 18 CFR 35.28(c)(1)(vi).

<sup>243</sup> Order No. 881, 177 FERC ¶ 61,179 at 363.

<sup>244</sup> 5 U.S.C. 601-612.

Administrative Law Judge and the Administrative Law Judge designated by the Chief Administrative Law Judge to serve as a settlement judge for a proceeding to certify to the Commission uncontested offers of settlement.

**DATES:** This rule is effective June 24, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence R. Greenfield, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6415, [lawrence.greenfield@ferc.gov](mailto:lawrence.greenfield@ferc.gov).

**SUPPLEMENTARY INFORMATION:** 1. In this instant final rule, the Commission codifies its precedent, revising its delegation of authority regulations to authorize the Chief Administrative Law Judge and the Administrative Law Judge designated by the Chief Administrative Law Judge to serve as a settlement judge (collectively, “settlement judge”) for a proceeding to certify to the Commission uncontested offers of settlement.

## I. Discussion

2. The Commission has long recognized the importance of settlements among the participants to litigated proceedings as a tool to efficiently and expeditiously resolve those contested proceedings set for trial-type evidentiary hearing, as well as other contested proceedings.<sup>1</sup> Settlement judges are particularly crucial to helping participants resolve such proceedings. The Commission’s Rules of Practice and Procedure have thus long provided for the appointment of settlement judges by the Chief Administrative Law Judge.<sup>2</sup> While the settlement judge is authorized to convene and preside over conferences and negotiations by the participants to a proceeding, and then to assess the practicalities of potential settlement, and then to report to the Chief Administrative Law Judge or the Commission, as appropriate, recommending continuation or termination of settlement negotiations,

the Commission’s regulations do not expressly authorize the settlement judge to certify uncontested settlements to the Commission.<sup>3</sup>

3. Recognizing that the Commission’s regulations did not expressly authorize settlement judges to certify uncontested settlements to the Commission, in 2002 the Commission sought to clarify this matter (and others not relevant here).<sup>4</sup> The Commission noted that, in fact, at that time settlement judges were already typically certifying uncontested settlements, and the Commission went on to conclude that settlement judges’ doing so was “appropriate and not inconsistent with [the] regulations.”<sup>5</sup> That is, the Commission expressly authorized settlement judges henceforth to do what they had been doing previously without express authorization, *i.e.*, certify uncontested settlements. The Commission had not changed its delegation of authority regulations, however. We now do so, and we in this document codify in our delegation of authority regulations express authorization for settlement judges to certify uncontested settlements.

## II. Information Collection Statement

4. The Office of Management Budget’s regulations require approval of certain information collection requirements imposed by agency rules.<sup>6</sup> This final rule, however, results in no new, additional, or different reporting burdens. This final rule does not require public utilities or natural gas companies, or indeed any participant in a Commission proceeding, to file new, additional, or different information, and it does not change the frequency with which they must file information.

## III. Environmental Analysis

5. 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.<sup>7</sup> Issuance of this final rule does not represent a major Federal action having a significant adverse effect on the human environment under the Commission’s regulations implementing the National Environmental Policy Act of 1969. Part 380 of the Commission’s regulations lists exemptions to the requirement to draft an Environmental Analysis or Environmental Impact Statement. Included is an exemption for rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.<sup>8</sup> This final rule, codifying the ability of settlement judges to certify uncontested settlements, is clarifying and procedural and thus is exempt under that provision.

## IV. Regulatory Flexibility Act

6. The Regulatory Flexibility Act of 1980 (RFA)<sup>9</sup> generally requires a description and analysis of final rules that will have significant economic impact on a substantial number of small entities. This final rule changes the Commission’s delegations of authority to authorize settlement judges to certify uncontested settlements and does not create any additional requirements for participants. Indeed, by expressly delegating such authority, the Commission provides clarity concerning settlement judges’ authority to certify participants’ uncontested settlements, and that will benefit the participants in Commission proceedings. The Commission thus certifies that this final rule will not have a significant economic impact upon participants in Commission proceedings. An analysis under the RFA is therefore not required.

## V. 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 (<http://www.ferc.gov>). At this time, the Commission has suspended access to the Commission’s Public Reference Room due to the President’s March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19). 8. From the Commission’s Home Page on the internet, this information is available on eLibrary. The full text of

<sup>1</sup> *E.g.*, *Ariz. Pub. Serv. Co.*, 97 FERC ¶ 61,315, at 62,449 (2001) (“it has been Commission policy to promote voluntary settlements as an important tool in the administration of our jurisdictional responsibilities”); *Tex. Gas Transmission Corp.*, 28 FERC ¶ 61,372, at 61,665–66 (1984) (encouraging settlements, as they can play an important part in resolving issues without prolonged and contentious litigation); *cf. Tex. E. Transmission Corp. v. FPC*, 306 F.2d 345, 347–48 (5th Cir. 1962) (“For Commission approved voluntary settlements are an important and desirable mechanism as the Commission undertakes the staggering burden of dealing with the ceaseless flow of the ever-more complicated problems. . . . Consequently settlements should be encouraged, not discouraged.” (footnotes omitted)).

<sup>2</sup> 18 CFR 385.603 (2021).

<sup>3</sup> Compare 18 CFR 385.603 with 18 CFR 385.602 (2021). The Rules of Practice and Procedure authorize “presiding officers” to certify uncontested settlements, *see* 18 CFR 385.602(g)(1), and presiding officers are defined to include the Commissioner or administrative law judge designated to preside at the hearing, the Chief Administrative Law Judge, or with respect to proceedings not set for trial-type hearing the Commission employee designated to conduct such proceeding. 18 CFR 385.102(e) (2021). Settlement judges are not mentioned. The Commission’s delegation of authority regulations similarly do not expressly authorize settlement judges to certify uncontested settlements. 18 CFR 375.304 (2021).

<sup>4</sup> *Cities of Anaheim v. Cal. Indep. Sys. Operator Corp.*, 101 FERC ¶ 61,392 (2002).

<sup>5</sup> *Id.* P 12 & n.8.

<sup>6</sup> 5 CFR 1320.13 (2021).

<sup>7</sup> *Reguls. Implementing the Nat’l Env’tl Pol’y Act*, Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

<sup>8</sup> 18 CFR 380.4(a)(2)(ii) (2021).

<sup>9</sup> 5 U.S.C. 601–12.

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 FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at [ferconlinesupport@ferc.gov](mailto: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](mailto:public.referenceroom@ferc.gov).

## VI. Effective Date and Congressional Notification

10. These regulations are effective June 24, 2022. The Commission is issuing this rule as a final rule without a period for public comment. Under 5 U.S.C. 553(b)(3)(A), notice and comment procedures are unnecessary for "rules of agency organization, procedure, or practice." This rule is such a rule, and, by codifying in the regulations the delegation of authority to settlement judges to certify uncontested settlements to the Commission, this rule is directed at improving the efficient and effective operations of the Commission, not toward a determination of the rights, interests, or obligations of any affected participants. Notice and comment procedures are thus not required.

11. The Congressional Review Act provides for Congressional notification of certain rules, but essentially exempts "any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties."<sup>10</sup> This rule is such a rule, and, by codifying in the regulations the delegation of authority to settlement judges to certify uncontested settlements to the Commission, this rule is directed at improving the efficient and effective operations of the Commission, not toward a determination of the rights, interests, or obligations of any affected participants. Congressional notification is thus not required.

## List of Subjects in 18 CFR Part 375

Authority delegations.

By the Commission.

Issued: May 19, 2022.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

In consideration of the foregoing, the Commission amends part 375, chapter I, title 18, *Code of Federal Regulations*, as follows:

## PART 375—THE COMMISSION

■ 1. The authority citation for part 375 continues to read as follows:

**Authority:** 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791–825r, 2601–2645; 42 U.S.C. 7101–7352.

■ 2. In § 375.304, paragraph (c) is added to read as follows:

### § 375.304 Delegations to the Chief Administrative Law Judge.

\* \* \* \* \*

(c) The Commission authorizes the Chief Administrative Law Judge, and the Administrative Law Judge designated by the Chief Administrative Law Judge to serve as a settlement judge for a proceeding, to certify to the Commission uncontested offers of settlement.

[FR Doc. 2022–11242 Filed 5–24–22; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 100

[Docket Number USCG–2022–0339]

RIN 1625–AA08

### Special Local Regulation; Escape From Alcatraz Triathlon, San Francisco Bay, San Francisco, CA

**AGENCY:** Coast Guard, Department of Homeland Security (DHS).

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary local regulation for the navigable waters on the San Francisco Bay. The special local regulation is needed to protect personnel, vessels, and the marine environment from potential hazards created by the Escape from Alcatraz Triathlon marine event. This special local regulation will temporarily prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port San Francisco or a designated representative. This regulation is necessary to provide safety of life on the

navigable waters during the event, which will be held on June 5, 2022.

**DATES:** This rule is effective on June 5, 2022, from 6:30 a.m. until 10 a.m.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2022–0339 in the search box and click "Search." Next, in the Document Type column, select "Supporting & Related Material."

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email MST1 Shannon Curtaz-Milian, U.S. Coast Guard District 11, Sector San Francisco, at 415–399–3585, [SFWaterways@uscg.mil](mailto:SFWaterways@uscg.mil).

## SUPPLEMENTARY INFORMATION:

### I. Table of Abbreviations

CFR Code of Federal Regulations  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

### II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because we must establish this regulation by June 5, 2022, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to ensure the safety of the participants and vessels during the Escape from Alcatraz Triathlon on June 5, 2022.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port Sector San Francisco

<sup>10</sup> 5 U.S.C. 804(3)(C).