

Issuing Certificate (Order).<sup>1</sup> Ordering Paragraph (B)(1) of the Order required Transco to complete the construction of the NESE Project facilities and make them available for service within two years of the date of the Order, or by May 3, 2021.

On May 20, 2021, the Commission granted Transco an extension of time, until May 3, 2023, to complete construction of the NESE Project and make it available for service.<sup>2</sup> Construction on the NESE Project has not begun. Transco states that it continues to review the scope of work for the NESE Project to not only meet Brooklyn Union Gas Company and KeySpan Gas East Corporation's (collectively, National Grid) firm transportation capacity needs but also to address water quality concerns raised by New York and New Jersey in their respective denials of water quality certification for the project under section 401 of the Clean Water Act. Transco asserts that the continuing need for the NESE Project is demonstrated by the 15-year term precedent agreements with National Grid for the entirety of the NESE Project's capacity, which remain in full force and effect. As a result, Transco now requests an additional two years, or until May 3, 2025, to complete construction of the NESE Project and make it available for service.

This notice establishes a 15-calendar day intervention and comment period deadline. Any person wishing to comment on Transco's request for an extension of time may do so. No reply comments or answers will be considered. If you wish to obtain legal status by becoming a party to the proceedings for this request, you should, on or before the comment date stated below, file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (NGA) (18 CFR 157.10).

As a matter of practice, the Commission itself generally acts on requests for extensions of time to complete construction for NGA facilities when such requests are contested before order issuance. For those extension requests that are contested,<sup>3</sup> the Commission will aim to issue an order acting on the request within 45 days.<sup>4</sup>

The Commission will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension.<sup>5</sup> The Commission will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act.<sup>6</sup> At the time a pipeline requests an extension of time, orders on certificates of public convenience and necessity are final and the Commission will not re-litigate their issuance.<sup>7</sup> The OEP Director, or his or her designee, will act on all of those extension requests that are uncontested.

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>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to Commission's Public Reference Room. For assistance, contact FERC at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFile" link at <http://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

*Comment Date:* 5:00 p.m. Eastern Time on May 19, 2023.

Dated: May 4, 2023.

**Kimberly D. Bose,**

*Secretary.*

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<sup>1</sup> *Id.* at P 40.

<sup>2</sup> Similarly, the Commission will not re-litigate the issuance of an NGA section 3 authorization, including whether a proposed project is not inconsistent with the public interest and whether the Commission's environmental analysis for the permit order complied with National Environmental Policy Act.

<sup>3</sup> *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

<sup>1</sup> *Transcontinental Gas Pipe Line Company, LLC*, 167 FERC ¶ 61,110 (2019).

<sup>2</sup> *Transcontinental Gas Pipe Line Company, LLC*, 175 FERC ¶ 61,148 (2021).

<sup>3</sup> Contested proceedings are those where an intervenor disputes any material issue of the filing, 18 CFR 385.2201(c)(1) (2022).

<sup>4</sup> *Algonquin Gas Transmission, LLC*, 170 FERC ¶ 61,144, at P 40 (2020).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15292-000]

#### Dashiels Hydropower Corporation; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On November 4, 2022, Dashiels Hydropower Corporation filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Dashiels Locks and Dam Hydroelectric Project to be located at the existing U.S. Army Corps of Engineers' (Corps) Pittsburgh District Dashiels Locks and Dam located on the Ohio River at Coraopolis, Allegheny County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

*The proposed project would consist of the following:* (1) a new 150-foot-long, 90-foot-wide intake channel to be located immediately downstream of the opposite bank of the Corps' existing locks and dam; (2) two new 5-megawatt Kaplan pit turbine/generator units; (3) a new 200-foot-long, 90-foot-wide, 105-foot-high powerhouse; (4) a new 60-foot-long, 40-foot-wide substation with a new 13.8/69-kilovolt (kV) three-phase step-up transformer; (5) a new three-phase, 69-kV, 2-mile-long transmission line; (6) a new 175-foot-long, 90-foot-wide tailrace; and (7) appurtenant facilities. The proposed project would have an annual generation of 52,000 megawatt-hours.

*Applicant Contact:* Alan W. Skelly, Dashiels Hydropower Corporation, 127 Longwood Blvd., Mount Orab, OH 45154; phone: (937) 802-8866.

*FERC Contact:* Woohee Choi; email: [woohee.choi@ferc.gov](mailto:woohee.choi@ferc.gov); phone: (202) 502-6336.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent,

and competing applications using the Commission's eFiling system at <https://ferconline.ferc.gov/eFiling.aspx>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-15292-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-15292) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 4, 2023.

**Kimberly D. Bose,**  
Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2023-0015; FRL-10897-01-OCSPP]

### Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions were granted during the period October 1, 2022, to March 31, 2023, to control unforeseen pest outbreaks.

**FOR FURTHER INFORMATION CONTACT:** Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main

telephone number: (202) 566-1030; email address: [RDfRNNotices@epa.gov](mailto:RDfRNNotices@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the emergency exemption.

###### B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2023-0015, is available at <https://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566-1744. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

##### II. Background

EPA has granted emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine, or specific.

Under FIFRA section 18 (7 U.S.C. 136p), EPA can authorize the use of a pesticide when emergency conditions exist. Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests

for a specific crop/site on a limited acreage, or other unit for treatment (e.g., square footage, cartons of produce in a particular State. Most emergency exemptions are specific exemptions.

2. "Quarantine" and "public health" exemptions are emergency exemptions issued for quarantine or public health purposes. These are requested less frequently than specific exemptions.

3. A "crisis exemption" is initiated by a State or Federal agency (and is concurred upon by EPA) when there is insufficient time to request and obtain EPA permission for emergency use of a pesticide under one of the other types of emergency exemptions.

EPA may deny an emergency exemption request: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of infants and children to residues of the pesticide.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

*In this document:* EPA identifies the State or Federal agency granted the exemption, the type of exemption, the pesticide authorized, the pests, the crop or use for which authorized, number of acres or other unit for treatment (if applicable), and the effective date of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any, and notes when a Notice of Receipt (if required under 40 CFR 166.24) was published in the **Federal Register**.

##### III. Emergency Exemptions

###### A. U.S. States and Territories

California

Department of Pesticide Regulation

*Specific exemption:* EPA authorized the use of kasugamycin on a maximum of 102,000 acres of almond trees to control bacterial blast. Time-limited tolerances in connection with a previous action are established in 40 CFR 180.614(b). This authorization was effective February 1, 2023.

Louisiana

Department of Agriculture and Forestry

*Specific exemption:* EPA authorized the use of triclopyr on a maximum of 450,000 acres of sugarcane to control