

In general, Airlines contend that existing policies are not suited to addressing the conditions created by the COVID-19 pandemic and claim that further action is necessary to prevent jet fuel supply constraints; Airlines state, however, that industry-wide action is not necessary at this time. Airlines state that because the pandemic disrupted jet fuel shipping patterns on a sustained yet temporary basis, shipper histories adjusted to reflect shippers' temporarily reduced demand. Because history-based prorationing policies are designed to preserve shippers' relative capacity allocations, Airlines argue that jet fuel shippers will be unable to rebuild their shipper histories to pre-pandemic levels absent Commission action.¹² Moreover, Airlines contend that shippers cannot rely upon secondary market transactions to restore lost shipper histories¹³ and that Airlines have limited ability to ship on behalf of others to maintain history during periods of reduced demand.¹⁴ Airlines request that the Commission remain receptive to case-specific proposals to resolve capacity constraints.¹⁵

In addition, Airlines argue that the Commission should consider taking three generic actions to address the effects of the COVID-19 pandemic upon jet fuel capacity allocations. First, Airlines request that the Commission confirm that it could exercise authority to direct pipelines to reset shipper histories to 2019 levels.¹⁶ Second, Airlines request that the Commission require pipelines to provide data from 2019 to the present regarding volumes of products nominated and shipped, available pipeline capacity, and months when the pipeline was in prorationing.¹⁷ Third, Airlines request that the Commission take action to encourage expansions by emphasizing that pipelines can conduct expansions for one product and by increasing the

Stops & Country Stores, Inc. (collectively Surface Transportation Fuel Shippers); and Tallgrass Energy, LP (Tallgrass). In addition, the City of Phoenix Aviation Department, a member of Airlines through its trade association, filed separate comments.

¹² Airlines Initial Comments at 10-11; Airlines Reply Comments at 16-17.

¹³ Airlines Initial Comments at 19-24; Airlines Reply Comments at 26-27.

¹⁴ Airlines Initial Comments at 9-10; *see also* Airlines Reply Comments at 17-19.

¹⁵ *E.g.*, Airlines Initial Comments at 8, 11-12; Airlines Reply Comments at 3-4.

¹⁶ Airlines Initial Comments at 13-14, 29; Airlines Reply Comments at 6-9. Airlines state that for purposes of future anomalous conditions, the Commission could direct pipelines to freeze shipper histories when it is recognized that anomalous conditions are occurring. Airlines Initial Comments at 13.

¹⁷ Airlines Initial Comments at 15-19.

annual reporting requirements on Form No. 6.¹⁸

By contrast, pipelines and non-jet fuel shippers urge the Commission to take no action.¹⁹ They argue that existing history-based prorationing policies sufficiently address the allocation of capacity during anomalous conditions. Commenters argue that pipeline capacity is finite and that any action to increase the capacity allocated to jet fuel shippers will reduce the capacity allocated to other products, which could produce fuel shortages, market disruptions, and increased costs for consumers.²⁰ Commenters contend that this result would confer an undue preference upon jet fuel shippers, violate pipelines' obligation to provide service upon reasonable request, and conflict with Commission precedent.²¹

Airlines provided data from 2019 through April 2022 related to jet fuel pipeline deliveries and jet fuel use at certain airports in order to allow the Commission to compare jet fuel deliveries from before the COVID-19 pandemic to 2021 and the first half of 2022.²²

III. Discussion

At this time and based upon this record, we are not persuaded to take further action in this proceeding related to oil pipeline capacity allocation issues arising from the COVID-19 pandemic and other anomalous conditions. The record provides an insufficient basis for initiating industry-wide policy changes. In particular, the record may no longer reflect market conditions.²³

¹⁸ *Id.* at 31-32 (citing *SFPP, L.P.*, 169 FERC ¶ 61,001, at PP 44-46, 51 (2019); *SFPP, L.P.*, 168 FERC ¶ 61,058, at P 15 (2019); *CHS Inc. v. Enter. TE Prods. Pipeline Co.*, 155 FERC ¶ 61,178, at P 15 (2016)); Airlines Reply Comments at 9-10. Airlines request that the Commission require pipelines to provide additional information on Form No. 6 to aid in identifying where declining to expand capacity may reflect an abuse of market power. Airlines Initial Comments at 33-34.

¹⁹ *E.g.*, LEPA Reply Comments at 2, 5; CHV Shippers Initial Comments at 3; Colonial Initial Comments at 1, 3; Enterprise Initial Comments at 7; SFPP Reply Comments at 1, 8; SIGMA/NATSO Initial Comments at 1, 4; Surface Transportation Fuel Shippers Initial Comments at 1, 17, 20, 22.

²⁰ *E.g.*, AOPL Initial Comments at 6-7; Enterprise Initial Comments at 2-5, 7; Explorer Comments at 4; SIGMA/NATSO Initial Comments at 3; Surface Transportation Fuel Shippers Initial Comments at 1, 14; Tallgrass Initial Comments at 3-4.

²¹ *E.g.*, AFPM Initial Comments at 3; AOPL Initial Comments at 3-4; Colonial Initial Comments at 2, 15, 18, 20; Magellan Initial Comments at 5; CHV Shippers Initial Comments at 4-5 (citing *Suncor*, 132 FERC ¶ 61,242 at P 24); Liquids Shippers Group Initial Comments at 3-4 (same); Surface Transportation Fuel Shippers Initial Comments at 1-2, 7, 21 (same).

²² *See* Airlines Initial Comments, Ex. A and Ex. C; Airlines Reply Comments at Ex. A.

²³ The most recent actual data in the record is from April 2022.

Accordingly, we exercise our discretion to terminate the proceeding in Docket No. AD22-7-000.

Although we are not taking further action in this proceeding, we are committed to working with pipeline and shipper groups to address problems related to oil pipeline capacity constraints and allocation issues as they may arise. We continue to monitor and evaluate the Commission's policies governing the allocation of oil pipeline capacity. Interested entities are encouraged to contact the Commission with any concerns regarding the effects of anomalous conditions on oil pipeline capacity allocation that may arise in the future.

By the Commission.

Issued: December 4, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2446-052]

STS Hydropower, LLC; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2446-052.

c. *Date filed:* August 30, 2022.

d. *Applicant:* STS Hydropower, LLC (STS Hydropower).

e. *Name of Project:* Dixon Hydroelectric Project (Dixon Project).

f. *Location:* On the Rock River near the City of Dixon in Lee and Ogle Counties, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. David Fox, Senior Director of Regulatory Affairs, Eagle Creek RE Management, LLC, 7315 Wisconsin Avenue, Suite 1100W, Bethesda, Maryland 20814, (240) 724-8765, david.fox@eaglecreekre.com.

i. *FERC Contact:* Laura Washington (202) 502-6072, Laura.Washington@ferc.gov.

j. *Deadline for filing motions to intervene and protests, comments,*

recommendations, terms and conditions, and fishway prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions using the Commission's eFiling system at <https://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Dixon Hydroelectric Project (P-2446-052).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *The Dixon Hydroelectric Project consists of the following existing facilities:* (1) a 305.9-acre reservoir with a gross storage capacity of 1,530 acre-feet at a maximum reservoir surface elevation of 647.08 feet National Geodetic Vertical Datum of 1929 (NGVD 29); (2) a 130-foot-wide by 18-foot-deep forebay located immediately upstream of the powerhouse; (3) a succession of dam structures including, from left to right looking downstream: (i) a 250-foot-long powerhouse integral with the dam equipped with 200-foot-wide by 15-foot-high trash racks with 5-inch clear spacing, (ii) a 114-foot-long by 24-foot-

high forebay wall set perpendicular to the dam that ties the powerhouse and fender wall to the dam, (iii) a 286-foot-long fender wall located upstream of the project forebay extending from the upstream end of the fender wall to the south riverbank, and (iv) a 610-foot-long north overflow dam extending from the forebay wall to the north riverbank, topped with 16-inch flashboards; (4) five vertical-shaft turbine-generating units, each with a maximum hydraulic capacity of 1,100 cubic feet per second, for a total installed capacity of 3,200 kilowatts; (5) a 30-foot-long, 34.5-kilovolt (kV) transmission line conveying project power to the point of interconnection via two 2.3-kV transformers; and (6) appurtenant facilities.

The Dixon Project includes one project recreation facility, the Dixon canoe portage.

The Dixon Project is currently operated in a run-of-river mode and generates an annual average of approximately 14,995 megawatt-hours. STS Hydropower proposes to continue operating the project as a run-of-river facility and does not propose any new construction.

STS Hydropower proposes modifications to the current project boundary. The proposed project boundary would include STS Hydropower-owned lands that include project facilities. The proposed project boundary has been modified to: (1) extend 400 feet downstream to include all STS Hydropower-owned lands that include the tailrace fishing area; (2) remove lands that are over elevation 647.04 feet NGVD 29 that are not necessary for project operation; and (3) remove several archeological sites that are not impounded by the project dam.

The current project boundary encompasses 2583.17 acres, which includes 806.67 acres of project lands and 1,776.5 acres of submerged land. The proposed project boundary would include approximately 399.14 acres, 84.84 acres of which is land and 314.3 acres of which is inundated.

m. A copy of the application can be viewed on the Commission's website at <https://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 (*i.e.*, P-2446). For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or

other comments 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 comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "FISHWAY PRESCRIPTIONS"; (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. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *The license applicant must file no later than 60 days following the date of issuance of this notice:* (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3)

evidence of waiver of water quality certification.

p. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Deadline for filing comments, recommendations, terms and conditions, and prescriptions.	February 2025.
Deadline for filing reply comments.	March 2025.

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: December 4, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-12464-01-OEJECR; EPA-HQ-OEJECR-2024-0147]

White House Environmental Justice Advisory Council; Notification of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification for a public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), the U.S. Environmental Protection Agency (EPA) hereby provides notice that the White House Environmental Justice Advisory Council (WHEJAC) will meet on the dates and times described below. Due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days public notice. This meeting is open to the public. For additional information about registering to attend the meeting or provide public comment, please see "REGISTRATION" under

SUPPLEMENTARY INFORMATION. Pre-registration is required.

DATES: The WHEJAC will convene an in-person public meeting with a virtual option on Tuesday, December 17, 2024, from approximately 1 p.m. to 7:30 p.m. eastern time. Meeting discussions will focus on several topics including, but not limited to, workgroup activities, panel discussions, updates from the White House Council on Environmental Quality (CEQ) and other Federal

agencies, and new formal charges for the WHEJAC. The WHEJAC invites public comments at the meeting on the subjects listed below (see **SUPPLEMENTARY INFORMATION**). Members of the public who wish to participate in the public comment period must register by 11:59 p.m. eastern time, Friday, December 13, 2024.

ADDRESSES: The meeting will be held virtually.

FOR FURTHER INFORMATION CONTACT:

Audrie Washington, WHEJAC Designated Federal Officer, U.S. EPA; email: whejac@epa.gov; telephone: (202) 441-7295. For additional information about the WHEJAC, visit <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council#meetings>.

SUPPLEMENTARY INFORMATION: The Charter of the WHEJAC (available at <https://www.epa.gov/system/files/documents/2024-05/whejac-amended-charter-jan-5-2024.pdf>) states that the advisory committee "will provide independent advice and recommendations to the Chair of the Council on Environmental Quality (CEQ) and to the White House Environmental Justice Interagency Council (IAC) on how to increase the Federal Government's efforts to address current and historic environmental injustice. The WHEJAC will provide advice and recommendations about broad cross-cutting issues related, but not limited, to issues of environmental justice and pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. The WHEJAC's efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to environmental justice."

Registration: Individual registration is required for the public meeting. Information on how to register is located at <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>. Registration for the meeting is available until the scheduled end time of the meeting. Registration to speak during the public comment period will close at 11:59 p.m., eastern time, Tuesday, December 13, 2024. When registering, please provide your name, organization, city and state, and email address for follow up. Please also indicate whether you would like to provide public comment during the meeting, or if you are submitting written comments.

A. Public Comment: The WHEJAC is interested in receiving public comments relevant to the following charges and topics:

(1) National Science and Technology Council (NSTC) Environmental Justice Science, Data, and Research Plan: What metrics or indicators would prove most useful in evaluating whether the recommendations in the current Research Plan have been meaningfully integrated and used to support the advancement of environmental justice; what types of feedback mechanisms could be implemented to meaningfully capture community responses and integrate them into the planning of the NSTC Environmental Justice Subcommittee; what key areas should receive increased or decreased attention in the next iteration of the plan; and what innovative approaches or emerging technologies, should the Subcommittee consider in future Research Plans?

(2) Place-Based and Community-Focused Initiatives: What models of community-focused, multiagency collaboration have worked effectively; what methods, processes, principles, or other components have made these models effective in strengthening health or environmental protection or reducing environmental injustice affecting a specific local community or region; and in what ways could multiagency efforts at the Federal level incorporate effective partnership or input from State, territorial, and local governments, consultation with Tribal governments, and engagement with communities with environmental justice concerns, community organizations, businesses, and members of the public?

(3) Environmental Justice Issues Affecting Indigenous Peoples and Tribal Nations.

More information on WHEJAC Workgroup charges is located online at: <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>, under WHEJAC Membership, Workgroups, and Charges.

Individuals or groups making remarks during the oral public comment period will be limited to three (3) minutes. EPA will give priority to speak during the meeting to public commenters with comments relevant to the topics and questions listed above. The WHEJAC will make every effort to hear from each public commenter who has registered to provide oral comments during the time specified on the agenda but, in the interest of time, commenters are strongly encouraged to consider submitting written comments for the record. You can submit your written comments by visiting <http://www.regulations.gov> and opening Docket ID No. EPA-HQ-OEJECR-2024-0147, by using the webform at <https://www.epa.gov/environmentaljustice/>