

WFF, and KSC. As mentioned previously, the FAA has been working with AF and NASA launch personnel through the CSWG since 2001 and 2007, respectively. The longevity of this working relationship has allowed for insight into the requirements and practices at these ranges sufficient to provide FAA confidence that these ranges will ensure public safety during ground operations. The FAA has found that these Federal ranges have processes, procedures, and requirements that account for hazards to public safety associated with launch vehicle hardware, ground hardware including launch site and ground support equipment, launch processing, and post-launch operations. Constant dialogue through the CSWG will keep the FAA updated on requirements and practices at these ranges and will allow the FAA to intervene if necessary. Furthermore, the cadence of launches has provided these Federal ranges with unparalleled experience with both commercial and government launches. This experience informs the requirements at these ranges and provides the FAA further confidence that the requirements and processes at these ranges satisfy the FAA's statutory mandate to protect the public. In summary, the FAA has found that satisfaction of the criteria above has established a level of confidence with regard to the ranges' ground safety processes, procedures, and requirements that it is an appropriate basis on which to waive these FAA requirements.

Under this policy, the FAA will not continue to update LSSAs for ground safety for these launch sites; rather, the FAA will continue to work with AF and NASA through the CSWG to ensure consistency of requirements for ground safety at Federal and non-Federal launch ranges. The FAA retains its authority, however, to deny or withdraw any waiver, or to withdraw this policy, if it determines that public health and safety, safety of property, or national security and foreign policy interests of the United States would be jeopardized.

III. Determination of Maximum Probable Loss

The FAA determines the maximum probable loss (MPL) from covered claims by a third party for bodily injury or property damage, and the United States, its agencies, and its contractors and subcontractors for covered property

damage or loss, resulting from licensed activity. The MPL determination forms the basis for financial responsibility requirements issued in a license order. The FAA calculates the MPL taking into account the hazards associated with the licensed activity. The MPL amount for both the ground and flight portions of a licensed activity is detailed in the license orders.

The FAA's process for determining MPL will not change as a result of this policy statement. The FAA will continue to calculate MPL for both ground and flight portions of launch at CCAFS, VAFB, WFF, and KSC. Furthermore, the FAA does not expect this policy to impact the MPL amounts for licensed activities at these Federal ranges.

IV. Implementation

The FAA currently requires an applicant seeking to conduct a launch from a Federal range to show evidence of an agreement with the Federal range in its license application. 14 CFR 417.13(a). This agreement must provide for access to and use of property and services required to support a licensed launch from that facility.

An applicant seeking a waiver consistent with this policy statement should include in its application the following:

“[INSERT COMPANY NAME] is seeking a waiver, consistent with the policy statement published at [INSERT FEDERAL REGISTER CITATION], to operate from [INSERT FEDERAL LAUNCH RANGE]. [INSERT COMPANY NAME] will utilize the ground safety processes and services at this location, and comply with any ground safety requirements imposed by the agreement dated [INSERT DATE OF AGREEMENT WITH FEDERAL RANGE].”

The applicant should also provide the FAA its agreement with the Federal range in accordance with regulations.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or clarify agency policies.

Wayne R. Monteith,

Associate Administrator for Commercial Space Transportation.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM18-9-002; Order No. 2222-A]

Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The Federal Energy Regulatory Commission published a document in the **Federal Register** of March 30, 2021 concerning arguments raised on rehearing of its final rule amending its regulations to remove barriers to the participation of distributed energy resource aggregations in the capacity, energy, and ancillary service markets operated by Regional Transmission Organizations and Independent System Operators. The document contained an error.

DATES: This correction is effective June 1, 2021.

FOR FURTHER INFORMATION CONTACT: Christopher Chauk (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6720.

SUPPLEMENTARY INFORMATION:

Correction

■ In FR Doc. 2021-06089 (174 FERC ¶ 61,197) beginning on page 16511 in the issue of Tuesday, March 30, 2021, make the following correction: On page 16527, in the third column, in the 21st line, in the Words of Issuance, the text “the Commission is proposing to amend . . .” is corrected to read “the Commission is amending. . . .”

Dated: April 15, 2021.

Kimberly D. Bose,
Secretary.

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