

within 15 days of the issuance of this order.

7. In the event that any of the above-captioned market-based rate sellers have already filed its Electric Quarterly Reports in compliance with the Commission's requirements, its inclusion herein is inadvertent. Such market-based rate seller is directed, within 15 days of the date of issuance of this order, to make a filing with the Commission identifying itself and providing details about its prior filings that establish that it complied with the Commission's Electric Quarterly Report filing requirements.

8. If any of the above-captioned market-based rate sellers do not wish to continue having market-based rate authority, that seller may file a notice of cancellation with the Commission pursuant to section 205 of the FPA to cancel its market-based rate tariff.

*The Commission orders:*

(A) Within 15 days of the date of issuance of this order, each public utility listed in the caption of this order shall file with the Commission all delinquent Electric Quarterly Reports. If a public utility subject to this order fails to make the filings required in this order, the Commission will revoke that public utility's market-based rate authorization and will terminate its electric market-based rate tariff. The Secretary is hereby directed, upon expiration of the filing deadline in this order, to promptly issue a notice, effective on the date of issuance, listing the public utilities whose tariffs have been revoked for failure to comply with the requirements of this order and the Commission's Electric Quarterly Report filing requirements.

(B) The Secretary is hereby directed to publish this order in the **Federal Register**.

By the Commission.

Issued: August 24, 2023.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2023-18742 Filed 8-29-23; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC23-10-000]

#### Commission Information Collection Activities (Ferc-603); Comment Request; Extension

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-603 (Critical Energy/Electric Infrastructure Information Data Request), which will be submitted to the Office of Management and Budget (OMB) for a review of the information collection requirements.

**DATES:** Comments on the collection of information are due September 29, 2023.

**ADDRESSES:** Send written comments on FERC-603 to OMB through [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain), Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902-0197) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments (identified by Docket No. IC23-10-000) to the Commission as noted below. Electronic filing through <https://www.ferc.gov> is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by hand (including courier) delivery.

- **Mail via U.S. Postal Service Only:** Addressed to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- **Hand (including courier) delivery:** Deliver to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

#### Instructions

OMB submissions must be formatted and filed in accordance with submission guidelines at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Using the search function under the "Currently Under Review field," select Federal Energy Regulatory Commission; click "submit" and select "comment" to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov>. For user assistance, contact FERC Online Support by email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free).

**Docket:** Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Ellen Brown may be reached by email at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov) and telephone at (202) 502-8663.

**SUPPLEMENTARY INFORMATION:**

**Title:** FERC-603, Critical Energy/Electric Infrastructure Information Data Request.

**OMB Control No.:** 1902-0197.

**Type of Request:** Three-year extension of the FERC-603 information collection requirements with no changes to the current reporting and recordkeeping requirements.<sup>1</sup>

**Abstract:** In accordance with section 215A(d) of the Federal Power Act<sup>2</sup> and 18 CFR 388.113, this collection of information provides that persons may seek Critical Energy/Electric Infrastructure Information (CEII). To receive CEII, they must show they have a legitimate need for such information, and they must submit a non-disclosure agreement that decreases the likelihood that such information could be used to plan or execute terrorist attacks.

This collection of information provides an alternative to seeking CEII in accordance with the Freedom of Information Act (FOIA).<sup>3</sup> That statute requires federal agencies to disclose the requested information unless one or more of several FOIA exemptions justifies withholding of the requested information. In the case of CEII, two FOIA exemptions are likely to apply to CEII,<sup>4</sup> and applying one of them frequently results in a decision to withhold the information from the FOIA requester. The Commission realizes that this process could prevent persons with a legitimate need for CEII from obtaining such information. For example, market participants seeking to develop new or expanded energy resources may have such a need.

In the aftermath of the September 11, 2001 terrorist attacks, the Commission

<sup>1</sup> The CEII request form and five versions of the non-disclosure agreement (General Non-Disclosure Agreement, Media Non-Disclosure Agreement, Federal Agency Acknowledgement and Agreement, State Agency Employee Non-Disclosure Agreement, and Consultant Non-Disclosure Agreement) are posted at <https://www.ferc.gov/legal/ceii-foia/ceii.asp>.

<sup>2</sup> 16 U.S.C. 824o-1(d).

<sup>3</sup> 5 U.S.C. 552 (2018).

<sup>4</sup> The relevant FOIA exemptions are Exemption 3, which allows the withholding of information prohibited from disclosure by another statute and Exemption 7, which protects from disclosure certain law enforcement information, including information the disclosure of which might jeopardize a person's life or safety.

determined that it was important to improve the appropriate treatment of CEII, both to assist requesters with a legitimate need for CEII, and to restrict access to the sensitive information due to the ongoing terrorism threat. The Commission promulgated 18 CFR 388.113 to achieve those goals.

Under 18 CFR 388.13(g)(5), a request for CEII must contain:

- The requester’s name, title, address, and telephone number;
- The name, address, and telephone number of the person or entity on whose behalf the information is requested;
- A detailed Statement of Need; and
- An executed non-disclosure agreement.

Under 18 CFR 388.133(h)(2), the non-disclosure agreement indicates the individual’s willingness to adhere to limitations on the use and disclosure of the information requested, and stipulates at minimum that the CEII:

- Will only be used for the purpose for which it was requested;
- May only be discussed with authorized recipients;
- Must be kept in a secure place in a manner that would prevent unauthorized access;
- Must be destroyed or returned to the Commission upon request; and
- Is not subject to release under either FOIA or Sunshine Laws.

In addition, the non-disclosure agreement provides that the

Commission may audit the recipient’s compliance with the non-disclosure agreement; that a recipient is obligated to protect the CEII even after a designation has lapsed<sup>5</sup> until the CEII Coordinator<sup>6</sup> determines the information should no longer be designated as CEII; and the recipient is required to promptly report all unauthorized disclosures of CEII to the Commission.

*Type of Respondents:* Persons seeking access to CEII.

*Estimate of Annual Burden:* The Commission estimates the total annual burden<sup>7</sup> and cost<sup>8</sup> for this information collection as follows.

Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (column 1 × column 2) (3)	Average burden & cost per response (4)	Total annual burden hours & total annual cost (column 3 × column 4) (5)	Cost per respondent (\$) (column 5 ÷ column 1) (6)
50	1	50	0.3 hrs.; \$27.30	15 hrs.; \$1,365	\$27.30

The Request Form<sup>9</sup> is attached to this notice but will not be published in the **Federal Register**. It will be posted in the Commission’s eLibrary system with this Notice. Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 24, 2023.

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

[FR Doc. 2023–18753 Filed 8–29–23; 8:45 am]

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**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP23–519–000]

**Rio Bravo Pipeline Company, LLC; Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Rio Bravo Pipeline Route Amendment**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Rio Bravo Pipeline Route Amendment (Route Amendment), which involves four minor route adjustments to the previously authorized pipeline alignment, as well as a pipe thickness design modification to use an alternative maximum allowable operating pressure (MAOP) calculation, as compared to the previously authorized Rio Bravo Pipeline Project, which was approved

by the Commission on November 22, 2019, in Docket No. CP16–455–000.<sup>1</sup> Please note that the previously approved Rio Bravo Pipeline Project and Rio Bravo Pipeline Project Amendment are not under re-consideration in this Route Amendment. The Commission will use the environmental document referred to in this notice in its decision-making process to determine whether the four minor route adjustments and alternative MAOP proposed in the Route Amendment are in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the Route Amendment. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to

<sup>5</sup> The Commission’s regulation at 18 CFR 388.113 provides criteria and procedures to designate information as CEII. A designation may last for up to five years, unless it is re-designated. A designation may be removed at any time, in whole or in part, if the Commission determines that the unauthorized disclosure of CEII can no longer be used to impair the security or reliability of the bulk-power system or distribution facilities or any other form of energy infrastructure.

<sup>6</sup> The regulation at 18 CFR 375.313 delegates authority to a CEII Coordinator to receive and

review all requests for CEII, make determinations regarding such requests, establish reasonable conditions on the release of CEII, and release CEII to requesters who agree in writing to abide by the conditions set forth by the Coordinator.

<sup>7</sup> “Burden” is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

<sup>8</sup> The Commission staff thinks that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits. Based upon the FERC’s 2022 average cost for salary plus benefits, the average hourly cost is \$91/hour.

<sup>9</sup> The Request Form (and sample non-disclosure agreements) and additional information about the CEII program are posted at: <https://www.ferc.gov/enforcement-legal/ceii/overview>.

<sup>1</sup> The Rio Bravo Pipeline Project was amended, as approved by the Commission on April 21, 2023, in docket no. CP20–481–000.