facilities and does not have a franchised electric power service area. EESS–4 operates as a marketing company involved in, among other things, the purchase and sale of electricity in the United States as a power marketer.”

App at 5. EESS–4 represents that it “will purchase surplus electric energy from electric utilities and other suppliers within the United States and will export this energy to Canada over the international electric transmission facilities.” App at 6. Therefore, the Applicant contends that “because this electric energy will be purchased from others voluntarily, it will be surplus to the needs of the selling entities. EESS–4’s export of power will not impair the sufficiency of electric power supply in the U.S.” Id.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. See App at Exhibit C.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the Application at the email address provided previously. Protests should be filed in accordance with Rule 211 of FERC’s Rules of Practice and Procedure (18 CFR 385.211). Any person desiring to become a party to this proceeding should file a motion to intervene at the email address previously provided in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning EESS–4’s Application should be clearly marked with GDO Docket No. EA–324–C. Additional copies are to be provided directly to Keith Sutherland, Vice President, Legal & Regulatory Affairs—Emera Energy, 5151 Terminal Road, Halifax, NS B3J 1A1 Canada, keith.sutherland@emeraenergy.com and Bonnie A. Suchman, Suchman Law LLC, 8104 Paisley Place, Potomac, Maryland 20854, bonnie@suchmanlawllc.com.

A final decision will be made on the requested authorization after the environmental impacts have been evaluated pursuant to DOE’s National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after DOE evaluates whether the proposed action will have an adverse impact on the sufficiency of supply or reliability of the United States electric power supply system.

Copies of this Application will be made available, upon request, by accessing the program website at https://www.energy.gov/gdo/pending-applications or by emailing Electricity.Exports@hq.doe.gov.

Signing Authority: This document of the Department of Energy was signed on May 1, 2023, by Maria Robinson, Director, Grid Deployment Office, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the Federal Register.


Treema V. Garrett,
Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2023–09733 Filed 5–5–23; 8:45 am]
Office hours are from 8 a.m. to 4:30 p.m. EST Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: In this RFI, the Agency provides a brief background on the Clean Heavy-Duty Vehicle and Clean Ports Programs under the IRA, background information on BABA provisions, and then describes five areas of interest. The RFI then requests comments and responses to specific topics in each of these areas of interest. This RFI also includes guidance on submitting comments, procedures for submitting confidential business information as well as where to find additional information.

Responding to This RFI

Please indicate in your written comments the topic number(s) below you are commenting on and provide specific examples or information to illustrate your comments where possible. Please follow the instructions on https://www.regulations.gov and the docket website for submitting comments, but do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute as there are separate instructions below for submitting CBI. Once submitted, comments cannot be edited or removed from the docket. You do not need to address every topic and should focus on those where you have relevant expertise or experience. The EPA may publish any comment and the docket or to https://www.regulations.gov without change, including any personal information provided. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. In all cases, to the extent possible, please cite any public data related to or that support your responses. If data are available, but non-public, describe such data to the extent permissible. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system).

Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is customarily treated as private, and that you actually treat as private, and that is relevant or responsive to this RFI, it is important that you clearly designate the submitted comments as CBI. Pursuant to 40 CFR part 2, you may ask EPA to give confidential treatment to information you give to the Agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as “Confidential”; (2) send EPA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, EPA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this RFI. Submissions containing CBI should be sent to Dennis Johnson, Manager, Technology Assessment Branch, via email at johnson.dennis@epa.gov or to Dennis Johnson, U.S. EPA, Room: WJC North 5512DD, Mail Code: 6406A, 1200 Pennsylvania Avenue NW, Washington, DC 20460. Any comment submissions that EPA receives that are not specifically designated as CBI will be placed in the public docket for this matter.

Background

In this section the Agency provides background information on two programs in the Inflation Reduction Act (IRA). The IRA enacted as Public Law 117–169 (August 16, 2022), includes important new programs to address climate change by reducing greenhouse gas emissions and to improve air quality through use of zero-emission vehicles and equipment. Among these programs is a (1) Clean Heavy-Duty Vehicles Program, and (2) Grants to Reduce Air Pollution at Ports Program. These programs provide funding that EPA will distribute to eligible recipients.

The Grants to Reduce Air Pollution at Ports Program (hereafter “Clean Ports Program”) provides the Administrator funding to award rebates and grants to eligible recipients on a competitive basis ($3 billion total). Rebate and grant funding may be used: (A) to purchase or install zero-emission port equipment or technology for use at or to directly serve, one or more ports; (B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and (C) to develop qualified climate action plans. Eligible recipients include: (A) a port authority; (B) a state, regional, local or Tribal Agency that has jurisdiction over a port authority or a port; (C) an air pollution control agency; or (D) a private entity that (i) applies for a grant in partnership with an entity described in (A) through (C) and (ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment or related technologies of a port. Zero-emission port equipment or technology means a human-operated equipment or human-maintained technology that: (A) produces zero emissions of any air pollutant or any greenhouse gas other than water vapor; or (B) captures 100 percent of the emissions produced by an ocean-going vessel at berth.

Zero-emission vehicles and equipment are increasingly being offered for sale in the commercial truck and ports markets. Current offerings include vehicles powered by electricity and hydrogen. The Agency is aware of many of these product offerings. However, given the wide range of potential vehicles and equipment that could be considered for funding under the Clean HDV and Clean Ports Programs, EPA believes it is critical to provide an opportunity for all stakeholders (e.g., manufacturers, distributors, installers, fleet operators, port operators) to share information about their products and firsthand experience with zero-emission technologies if they so choose, in order
to give EPA the broadest understanding possible of potential vehicles and equipment eligible to fund.

**Charging and Fueling Infrastructure:** Through the Clean HDV and Clean Ports programs, EPA may fund charging and other fueling infrastructure as an eligible expense in supporting zero-emission heavy-duty vehicle and port equipment projects. To this end, the Agency seeks information on the manufacturing and assembly of electric charging and other fueling infrastructure for zero-emission commercial vehicles and port equipment, such as whether zero-emissions fueling infrastructure manufactured in the United States can comply with applicable BABA requirements. This RFI is intended to: (A) help EPA better understand whether and to what extent domestic sourcing is available now, or may be possible in the near future, for electric charging and other fueling equipment and components; (B) ensure domestic manufacturers have the opportunity to identify any electric vehicle (EV) charging and fueling equipment meeting applicable BABA requirements; (C) ensure domestic manufacturers have the opportunity to identify any electric charging and other fueling equipment that could meet a domestic final assembly condition, and identify the portion of components that could meet a domestic manufacturing requirement; and (D) highlight benefits of shifting manufacturing processes to the United States.

Through this RFI, EPA seeks information regarding the availability of zero-emission heavy-duty vehicle and port equipment, electric chargers and fueling equipment, such as for hydrogen, that is manufactured and/or assembled in the United States, including whether they comply with applicable BABA requirements. EPA is not aware of any zero-emission heavy-duty vehicle or port equipment electric chargers or fueling equipment that currently meets applicable BABA requirements for steel and iron or manufactured products. The Agency is interested in obtaining more information on this issue and others discussed in this notice to assess if sufficient quantities of equipment are currently available to comply with BABA requirements or whether sufficient equipment would be available in the near future.

**Build America Buy America Act**

In January 2021, the President issued Executive Order (E.O.) 14005, titled “Ensuring the Future is Made in All of America by All of America’s Workers.”

In January 2021, the President issued Executive Order (E.O.) 14005, titled “Ensuring the Future is Made in All of America by All of America’s Workers.”

The Act strengthens Made in America implementation consistent to ensuring strong and effective Buy America implementation consistent with E.O. 14005. At the same time, the EPA must also consider how to ensure that electric chargers and fueling equipment, such as for hydrogen, are widely available in the immediate future to implement EPA-funded projects throughout the United States and its territories in a timely and cost-effective manner.

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act ("IIJA"). Public Law 117–58, which includes the Build America, Buy America (BABA) Act. Public Law 117–58, sections 70901–52. The Act strengthens Made in America Laws and will establish America’s industrial base, protect national security, and support high-paying jobs. The Act requires that the head of each covered Federal agency ensure that “none of the funds made available for a Federal financial assistance program for infrastructure, including each deficient program, may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States” (Build America, Buy America (BABA) Act, Pub. L. 117–58, Sections 70911–70917), unless a waiver is granted. This means that the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation. IIJA section 70912(6)(B). For all steel or iron materials used in infrastructure projects that involve the obligation of federal financial assistance, manufacturing processes, including application of a coating, must occur in the United States. Coating includes all processes which protect or enhance the value of the material to which the coating is applied. Such projects involve both the acquisition and installation of such equipment. These requirements apply to the obligation of all federal financial assistance for infrastructure projects, including IRA funds. EPA is committed to ensuring strong and effective Buy America implementation consistent with E.O. 14005. In implementing the IRA Clean HDV and Ports Programs, EPA will ensure compliance with BABA requirements.

**Request for Comments and Information**

In this section, the Agency describes general areas of interest to be addressed in these topics. To inform development of the Clean HDV and Clean Ports Programs, EPA requests comments and information from the public on the following five areas of interest:

- **A. Technology Availability and Market-Readiness:** EPA recognizes that some zero-emission heavy-duty trucks are currently being marketed for sale. Consequently, EPA requests current and expected near term (within 1, 2, and 3 years) availability of potentially eligible zero-emission class 6 (gross vehicle weight rating 19,501–26,000 pounds) and class 7 (GVWR >33,000 pounds) vehicles, such as refuse haulers, day cab tractors, cargo vans, school buses, and straight trucks. Additionally, EPA is seeking responses to these same questions with respect to commercial trucks that may be used at ports, such as zero-emission service trucks and class 7 and 8 (GVWR >33,000 pounds) dray trucks. EPA requests responses to the questions regarding the current state of zero-emission port equipment and related fuel infrastructure availability, including commercial readiness and production volumes, for near-term as current capabilities, as well as in the 1-, 2-, 3- and 5-year timeframes.
- **B. Performance:** EPA requests information regarding current and expected near-term characteristics of zero-emissions heavy-duty vehicles (1 to 3 years) and port equipment (1 to 5 years) and related fueling with regards to performance, reliability, and durability, including standard and optional warranty information, and descriptions of performance comparing the zero-emission truck or equipment to those operating on conventional petroleum-based liquid fuels.
- **C. Pricing:** EPA requests information regarding current and expected near-term market prices of zero-emission heavy-duty vehicles (1 to 3 years), port equipment (1 to 5 years) and related fueling infrastructure, as well as the incremental costs relative to those vehicles.
operating on conventional petroleum-based liquid fuels.

D. Domestic Materials Sourcing and Manufacturing: EPA requests information regarding the extent to which materials are sourced from the U.S. and if manufacturing occurs in the U.S. to comply with BABA requirements currently, or in the near-term, especially with respect to electric charging and other fueling equipment.

E. Other Practical Considerations: EPA requests information that can inform implementation of zero-emission heavy-duty vehicle, port equipment, and related charging/fueling infrastructure projects. Please provide information such as necessary training, maintenance facility modifications, required safety equipment and the availability of hydrogen from different sources that produce zero-emissions.

Topics for Areas of Interest

In this section, the Agency requests responses to specific topics. Please indicate in your written comments the topic number(s) you are commenting on and provide specific examples or information to illustrate your comments where possible.

Topics

A. Technology Availability and Market-Readiness

1. Using the following categories as a guide, please identify specific types of vehicles or equipment that you are providing information about in response to this RFI. For each item you identify, please provide a description, and specify the type of powertrain (e.g., electric [non-battery], battery-electric, hydrogen fuel cell electric, or other zero-emissions technologies).
   a. Zero-emissions class 6 and 7 vehicles: including but not limited to school buses, refuse trucks, utility trucks, box trucks, cargo vans, and day cab tractors.
   b. Zero-emission port equipment: including but not limited to port dray trucks, cargo handling equipment, yard tractors, locomotives, railcar movers, harbor craft, shore power, and technologies to capture 100 percent of emissions produced by an ocean-going vessel at berth.
   c. Zero-emissions fueling infrastructure: including but not limited to heavy-duty electric vehicle, equipment, and locomotive chargers, as well as hydrogen refueling infrastructure.

2. For each of the items you identified in response to Topic 1, please:
   a. Describe the current and the expected availability of the equipment based on sales volumes, number and size of manufacturers, and other key industry factors.
   b. Provide information on the near-term demand outlook for this equipment. For entities that are eligible for funding, please describe how many and what types of zero-emission heavy-duty vehicles and port technologies you anticipate purchasing in the near-term.
   c. Provide information regarding whether the current and expected near-term manufacturing capacity would be adequate to meet the expected market demand, including anticipated federal funding. Please specify any factors helping or preventing the industry from meeting the expected demand today and in the near-term and provide information on the availability of and materials used in key components such as batteries, electric motors, high-voltage cables, storage tanks, pumps, hoses, nozzles, enclosures, and required safety equipment.
   d. Provide information on whether various duty cycles affect available power levels at the installation site and dwell times needed for charging, whether charging is anticipated to happen on site or en route, and how expected needs for zero-emission heavy-duty vehicles and zero-emission port equipment might differ from what is commercially available today and in the near-term timeframes.
   e. Please indicate to what extent it is human-operated equipment and/or a human-maintained technology.
   f. Provide information on the current and expected near-term average customer delivery time.

3. For each of the items you identified in response to Topic 1.c., please describe the expected service life and expected near-term average vehicle performance and operational requirements. Please specify all applicable parameters, such as years, hours or miles of operation, and number of charging cycles and as well as whether the warranty covers the damage from any potential charger malfunction.

4. For each of the battery-electric and charger items you identified in response to Topic 1, please describe the standard and optional equipment specifications.

5. For each of the battery-electric items you identified in response to Topic 1, please:
   a. Identify all charger manufacturers or charger models with which this item has been verified to have full technology compatibility or other EV charging standards and how compliance was demonstrated. Please provide information on how the technology compatibility was verified.
   b. Describe what type of safety mechanisms are used to protect battery packs from water intrusion, corrosion due to flooding and salt, thermal runaway events, and/or other hazards.
C. Pricing
8. For each of the items you identified in response to Topic 1, please:
   a. Specify the current market price (or price range) and what is included in
      that price. For example, in the case of chargers, please specify whether it is for
      a complete charger pedestal, power equipment and associated electrical
      system capable of charging one or more vehicles. Please also specify if
      additional costs for installation and commissioning are included.
   b. Provide information on the price outlook through calendar year, and,
      where applicable, through the near-term future. Please identify and describe any
      opportunities for reducing prices.
   c. Please also discuss the incremental and lifecycle costs as well as the
      payback period relative to similar equipment or vehicles operating on
      conventional petroleum-based liquid fuels. In addition to the total cost, where
      possible, please provide cost information itemized by category (for example: purchase of vehicles or
      equipment, installation, maintenance, fuel/charging, insurance, other
      operating expenses) and include the key assumptions used to estimate them.
   d. Please identify and describe any
      opportunities for reducing prices of zero-emission technologies.
   e. Provide information regarding global supply chain constraints, local
      permitting, safety requirements and needs that may increase costs, impact
      delivery timeframes, or extend installation time.
   f. EPA is interested in better
      understanding the current lifetime costs/Total Cost of Ownership (TCO)
      gap between electric and diesel school buses as well as how that gap is
      expected to change over time. For each of the TCO cost categories (a–c) listed
      here, please provide cost estimates using the following parameters: a period
      of analysis of 10 years; a fleet size of 50
      buses; and a 5-year straight line
      depreciation schedule (please clearly
      state what alternative assumptions have been made). Also, please clearly state
      what assumptions have been made on geographic region of analysis and/or
      specific districts; average vehicle life expectancy; sales tax; and annual days
      of operation. To the extent other HD
      vehicle types, such as dray trucks, can
      address the TCO in this fashion, please
      provide a similar description for those
      vehicle types.
   a. Capital cost (CAPEX) categories:
      Vehicle, charging/fueling infrastructure, residual value.
   b. Operating cost (OPEX) categories;
      Operating expense, fuel/electricity, insurance, registration.
   c. Other (please specify).
D. Domestic Materials Sourcing and Manufacturing
10. For each of the applicable items you identified in response to Topic 1, please specify whether the product
    meets BABA requirements or is
    currently manufactured in the United States to meet a domestic final assembly condition. (Yes or No)
11. If you answered “Yes” to Topic 10:
   a. Please identify all manufacturers
      that can either meet BABA requirements or can currently manufacture equipment
      in the United States.
   b. How many of each equipment type
      meeting BABA requirements or manufactured in the United States
      conditions can be manufactured per
      year during the next 5 years?
   c. What portion of the total market
      supply for each equipment type do you
      estimate to be BABA compliant?
   d. What is the typical cost for the steel
      and iron used in this equipment type?
   e. What percent of the total cost is
      typically represented by the steel and
      iron used to manufacture this
      equipment type? If you cannot provide
      the percent, please describe if it is more
      or less than 50% of the total cost.
   f. Can the origins of the steel and iron
      used in this equipment type be certified
      by documentation? If so, how?
12. If you answered “No” to Topic 10:
   a. What steps can manufacturers take
      to increase equipment that meets BABA
      requirements?
   b. What additional support is needed
      ensure a sufficient supply of equipment
      that meets BABA requirements?
   c. How long might it take to undertake
      those steps?
   d. What is the volume of equipment
      that could be shifted to manufacture
      in compliance with BABA requirements?
   e. Can that volume be ramped up over
      time, and if so at what annual growth
      rate?
13. For available zero-emission
    technologies, please describe any
    differences between domestically
    manufactured or assembled and non-
    domestic equipment. Please address any
    differences in supply availability, price,
    replacement part delivery, functionality, security, etc.
E. Other Practical Considerations for
    Program Design
14. For each of the items you
    identified in response to Topic 1, please
    provide examples of best practices
    relating to project development,
    installation, and adoption of zero-
    emissions equipment and related
    electric, hydrogen, or other fueling
    infrastructure you identified in response
to Topic 1.
15. For each of the fueling
    infrastructure types you identified
    in response to Question 1, please provide
    examples of the phases and time
    required for planning, permitting,
    sourcing, delivering, and installing this
    equipment.
16. Please identify any unique factors
    for states, municipalities, utilities, ports
    authorities, Indian Tribes, or
    nonattainment areas to consider in
    developing zero-emission projects
    including necessary charging or other
    fueling infrastructure.
17. If known, please describe
    opportunities and best practices to:
    a. Maximize environmental benefits
       such as replacing the oldest, highest
       use, highest emitting equipment with
       available zero emission technologies.
    b. Maximize benefits with
       technologies to service one or more
       ports and intermodal facilities to
       potentially share or coordinate
       charging/fueling infrastructure.
    c. Leverage or improve zero-emission
       transport corridors.
    d. Maximize benefits for workforce
datavelopment and jobs training
       outcomes.
    e. Maximize benefits for
       disadvantaged communities and/or
       advancing other environmental justice
       objectives.
18. Please describe what specialized
    workforce expertise, including key
    occupations, is needed to support the
    installation, use, and maintenance of (1)
    clean heavy-duty vehicles, and (2) zero-
    emission port equipment. What (if any)
    challenges do you anticipate in meeting
    your expertise and capacity needs? How
    can these challenges be effectively
    addressed?
Sarah Dunham,
Director, Office of Transportation and Air
Quality.
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