

App.) for renewal of their export authority for an additional five-year term. App. at 1.

BETM is a California limited liability company that is a wholly owned subsidiary of Diamond Energy Trading and Marketing, LLC. *Id.* at 1–2. BETM represents that it is a power marketer authorized to sell wholesale electric energy, capacity and ancillary services outside of the Electric Reliability Council of Texas at market-based rates pursuant to authority granted by the Federal Energy Regulatory Commission (FERC) under a wholesale power sales tariff currently on file with FERC. *Id.* at 2. BETM states that as a power marketer, it “does not own any electric generation or transmission facilities and does not hold a franchise or service territory or native load obligation.” *Id.* at 4. Further, BETM represents that “none of BETM’s U.S.-based affiliates or subsidiaries own any electric transmission facilities other than generating facility interconnection facilities necessary to connect individual generating facilities to the grid[,] and BETM is not affiliated with an entity that holds a franchise or service territory in the U.S.” *Id.* BETM represents that because it neither owns, operates nor controls an electric power supply transmission and/or distribution system, “its exports cannot have any adverse impact on the reliability, stability, or sufficiency of supply on a franchised electric supply system or the electric power supply within the U.S.” *Id.* at 5.

The existing international transmission facilities to be utilized by the Applicant have been previously authorized by Presidential permits issued 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 [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov). 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 [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov) in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning BETM’s Application should be clearly marked with GDO Docket No. EA–464–A. Additional copies are to be provided directly to BETM Contract Administrator, Boston Energy Trading and Marketing LLC, One International Place, 9th Floor, Boston, MA 02110, [BETMContractAdmin@betm.com](mailto:BETMContractAdmin@betm.com), and

Catherine McCarthy, Partner, Bracewell LLP, 2001 M Street NW, Suite 900, Washington, DC 20036, [cathy.mccarthy@bracewell.com](mailto:cathy.mccarthy@bracewell.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-0> or by emailing [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

**Signing Authority:** This document of the Department of Energy was signed on December 19, 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**.

Signed in Washington, DC, on December 20, 2023.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

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**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

[GDO Docket No. EA–392–B]

### Application for Renewal of Authorization To Export Electric Energy; Emera Energy Services Subsidiary No. 7 LLC

**AGENCY:** Grid Deployment Office, Department of Energy.

**ACTION:** Notice of application.

**SUMMARY:** Emera Energy Services Subsidiary No. 7 LLC (the Applicant or EES No. 7) has applied for renewed authorization to transmit electric energy from the United States to Canada pursuant to the Federal Power Act.

**DATES:** Comments, protests, or motions to intervene must be submitted on or before January 26, 2024.

**ADDRESSES:** Comments, protests, motions to intervene, or requests for more information should be addressed by electronic mail to [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:**

Christina Gomer, (240) 474–2403, [Electricity.Exports@hq.doe.gov](mailto:Electricity.Exports@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** The United States Department of Energy (DOE) regulates electricity exports from the United States to foreign countries in accordance with section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)) and regulations thereunder (10 CFR 205.300 *et seq.*). Sections 301(b) and 402(f) of the DOE Organization Act (42 U.S.C. 7151(b) and 7172(f)) transferred this regulatory authority, previously exercised by the now-defunct Federal Power Commission, to DOE.

Section 202(e) of the FPA provides that an entity which seeks to export electricity must obtain an order from DOE authorizing that export. (16 U.S.C. 824a(e)). On April 10, 2023, the authority to issue such orders was delegated to the DOE’s Grid Deployment Office (GDO) by Delegation Order No. S1–DEL–S3–2023 and Redelegation Order No. S3–DEL–GD1–2023.

In May 2014, DOE issued Order No. EA–392, authorizing EES No. 7 to transmit electric energy from the United States to Canada as a power marketer for a five-year term. This authority was renewed in 2019 (Order No. EA–392–A). On November 9, 2023, EES No. 7 filed an application with DOE (Application or App) for renewal of their export authority for another five-year term. App. at 1.

In its Application, EES No. 7 states that it is a “wholly-owned subsidiary of Emera Incorporated (‘Emera’), a Nova Scotia company that is a publicly-traded diversified energy and services company.” *Id.* at 1. EES No. 7 states that it “is currently authorized to export electric energy from the United States to Canada and has also received market-based rate authority from the Federal Energy Regulatory Commission (‘FERC’).” *Id.* at 1–2. According to the Application, the Applicant’s parent company, Emera, “owns other energy concerns.” *Id.* at 2. However, the Applicant states EES No. 7 itself “does not own or control any electric power generation or transmission facilities and does not have a franchised electric power service area.” *Id.* at 6.

The existing international transmission facilities to be utilized by

the Applicant have been previously authorized by Presidential permits issued 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 *Electricity.Exports@hq.doe.gov*. 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 *Electricity.Exports@hq.doe.gov* in accordance with FERC Rule 214 (18 CFR 385.214).

Comments and other filings concerning EES No. 7's Application should be clearly marked with GDO Docket No. EA-392-B. Additional copies are to be provided directly to Keith Sutherland, Vice President, Legal & Regulatory Affairs, Emera Energy, Inc., 5151 Terminal Road, Halifax, NS B3J 1A1, Canada, *keith.sutherland@emeraenergy.com*, Jeffrey Jakubiak, Vinson & Elkins LLP, 1114 Avenue of the Americas, 32nd Floor, New York, NY 10036, *JJakubiak@velaw.com*, and Jennifer Mansh, Vinson & Elkins LLP, 2200 Pennsylvania Avenue NW, Suite 500 West, Washington, DC 20037, *JMansh@velaw.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-0> or by emailing *Electricity.Exports@hq.doe.gov*.

**Signing Authority:** This document of the Department of Energy was signed on December 19, 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**.

Signed in Washington, DC, on December 20, 2023.

**Treena V. Garrett,**

*Federal Register Liaison Officer, U.S. Department of Energy.*

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## DEPARTMENT OF ENERGY

### National Nuclear Security Administration

#### Secretarial Determination of No Adverse Material Impact on the Domestic Uranium Mining, Conversion, and Enrichment Industries To Support Mo-99 Production

**AGENCY:** National Nuclear Security Administration (NNSA), Department of Energy (DOE).

**ACTION:** Notice.

**SUMMARY:** On November 22, 2023, the Secretary of Energy issued a Secretarial Determination (hereafter "determination") covering the sale, lease, or transfer of up to 750 kilograms uranium (kgU) of high-assay low-enriched uranium (HALEU) (above 5, but less than 20 weight percent (wt.-%) uranium-235) per year during the two-year period following signature of the determination to support molybdenum-99 (Mo-99) production. For the reasons set forth in the Department's "Analysis of Potential Impacts of Certain Uranium Transactions on the Domestic Uranium Mining, Conversion, and Enrichment Industries," which is incorporated into the determination, the Secretary determined that these transactions will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industries.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information may be sent to Peter Rocco:

*officeofconversion@nnsa.doe.gov* or (202) 287-1018.

#### SUPPLEMENTARY INFORMATION:

##### Authority and Background

The Department of Energy ("the Department") holds limited inventories of uranium in various forms and quantities that have been declared as excess and are not dedicated to U.S. national security missions. Within DOE, the National Nuclear Security Administration (NNSA) manages these inventories to carry out critical missions, including minimizing the use of highly enriched uranium (HEU) in

civilian applications. NNSA down-blends excess HEU from these inventories to high-assay, low-enriched uranium (HALEU)—a subset of low enriched uranium (LEU) enriched above the commercial level of 5 wt.-% and below 20 wt.-% of the isotope U-235—to be used as fuel for research reactors and target material for the production of critical medical isotopes.

This notice involves the sale, lease, or transfer of HALEU to support molybdenum-99 (Mo-99) producers. Leases covered by this determination fulfill a directive in the American Medical Isotopes Production Act of 2012 (Pub. L. 112-239, Division C, Title XXXI, Subtitle F, 42 U.S.C. 2065) for the Department to establish a program to make HALEU available, through lease contracts, for the production of Mo-99 for medical uses. The sales, leases, or transfers covered by this determination also support U.S. nuclear nonproliferation initiatives by down-blending HEU and encouraging the use of HALEU in civilian applications in lieu of HEU.

These sales, leases, or transfers are conducted in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*, "AEA"), as amended, and other applicable laws. Specifically, title I, chapters 6 and 14 of the AEA authorize DOE to sell or transfer special nuclear material, including HALEU. The USEC Privatization Act (Pub. L. 104-134, 42 U.S.C. 2297h *et seq.*), however, places certain limitations on DOE's authority to sell or transfer uranium from its excess uranium inventory. Specifically, under section 3112(d)(2) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)(2)), DOE may make certain sales or transfers of natural uranium or LEU if the Secretary determines that the sales "will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement."

On November 22, 2023, the Secretary of Energy issued a determination covering the sale, lease, or transfer of up to 750 kgU of HALEU per year during the two-year period following signing of the determination to support Mo-99 production. For the reasons set forth in the Department's "Analysis of Potential Impacts of Certain Uranium Transactions on the Domestic Uranium Mining, Conversion, and Enrichment Industries," which is incorporated into the determination, the Secretary determined that these transactions will not have an adverse material impact on the domestic uranium mining,