

Rules and Regulations

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DEPARTMENT OF ENERGY

10 CFR Part 420

RIN 1930-AA01

Mandatory Transmission and Distribution Planning Support Activities

AGENCY: Office of State and Community Energy Programs, State Energy Program, Department of Energy.

ACTION: Final rule.

SUMMARY: The U.S. Department of Energy (DOE) published an interim final rule on April 29, 2024, that amends the State Energy Program (SEP) regulations to incorporate certain changes made to the DOE-administered formula grant program by the Infrastructure

Investment and Jobs Act of 2021. DOE is adopting the interim final rule as final without changes.

DATES: This rule is effective on December 12, 2024.

FOR FURTHER INFORMATION CONTACT: Ari Gerstman, U.S. Department of Energy, Office of State and Community Energy Programs, State Energy Program, SCEP-30; 1000 Independence Avenue SW, Washington, DC 20585-0121; or Telephone: (240) 388-5805; or Email: ari.gerstman@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Authority and Background

The U.S. Department of Energy's State Energy Program provides financial assistance in the form of formula grants to States, U.S. territories, and the District of Columbia (hereinafter referred to as States)¹ for a wide variety of energy efficiency and renewable energy initiatives authorized under the Energy Policy and Conservation Act (EPCA) (Pub. L. 94-163), as amended. 42 U.S.C. 6321 *et seq.* Section 40109(a)(3) of the Infrastructure

Investment and Jobs Act (IIJA 2021) (Pub. L. 117-58) amended Section 362(c) of EPCA, which pertains to the mandatory features of State energy conservation plans. 42 U.S.C. 6322(c). The submission of such plans is required for a State's participation in SEP and receipt of a formula grant.

II. Discussion

On April 29, 2024, DOE issued an interim final rule that amended SEP regulations in part 420 of title 10 of the **Code of Federal Regulations** to incorporate the IIJA 2021 amendments. 89 FR 33194. As discussed in the interim final rule, section 40109 of IIJA 2021 amended section 362(c) of EPCA to include a new paragraph (7) that mandates the inclusion of transmission and distribution planning support activities into States' energy conservation plans.² 42 U.S.C. 6322(c). DOE amended 10 CFR 420.15 to include a new paragraph (g) adopting statutory requirement verbatim. DOE also revised the reference to the EPCA included in the 10 CFR part 420 authority line from Part D to Part B through the interim final rule.

DOE issued the interim final rule without prior notice and opportunity for public comment for two reasons. First, because the **Administrative Procedure Act**'s (APA) requirements for notice and public comment do not apply "to the extent that there is involved . . . a matter related to agency . . . grants, benefits, or contracts." 5 U.S.C. 553(a)(2), emphasis added. SEP is a program that provides formula and competitive grants, as well as technical assistance to States to enhance energy security, advance State-led energy initiatives, and increase energy affordability.

Second, the rulemaking covered a nondiscretionary action because DOE adopted the section 40109(a)(3) of IIJA 2021 amendment without further substantive change in SEP's regulations. A more comprehensive discussion is available in section II of the interim final rule.

² The mandatory plan features include "the mandatory conduct of activities to support transmission and distribution planning, including—(A) support for local governments and Indian Tribes; (B) feasibility studies for transmission line routes and alternatives; (C) preparation of necessary project design and permits; and (D) outreach to affected stakeholders." 42 U.S.C. 6322(c)(7).

¹ Per 10 CFR 420.2, "state" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

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In response to the interim final rule, SEP received no comments. Because DOE did not receive any comments in response to the interim final rule, the interim final rule is adopted as final without change. For the reasons stated in this document, SEP is finalizing the interim final rule without change.

III. Procedural Requirements

A. Review Under Executive Orders 12866, 13563, and 14094

This final rule has been determined not to be a "significant regulatory action" under E.O. 12866, **Regulatory Planning and Review**, 58 FR 51735 (October 4, 1993) as supplemented and reaffirmed by E.O. 13563, "Improving Regulation and Regulatory Review," 76 FR 3821 (January 21, 2011) and amended by E.O. 14094, "Modernizing Regulatory Review," 88 FR 21879 (April 11, 2023). Accordingly, this rule was not subject to review under the E.O. by the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB).

B. Administrative Procedure Act

The APA, 5 U.S.C. 551 *et seq.*, generally requires public notice and an opportunity for comment before a rule becomes effective. 5 U.S.C. 553(b)–(c). However, the APA provides that the requirements of 5 U.S.C. 553 do not apply "to the extent that there is involved . . . a matter relating to agency . . . grants, benefits, or contracts." The interim final rule amended SEP's regulations to include the new mandatory State energy conservation plan features established by section 40109(a) of the IIJA 2021, which amended SEP's State energy conservation plan requirements. States applying for SEP grants are required to submit plans that consider these, and the other mandatory features established in statute and codified in SEP's regulations. Because the rulemaking amended SEP's regulations at 10 CFR 420.15 to include features States must satisfy to receive a grant from SEP, the APA's general notice and comment requirements do not apply.

C. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been

determined that the rule is not a “major rule” as defined by 5 U.S.C. 804(2).

III. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 420

Energy conservation, Grant programs—energy, Technical assistance.

Signing Authority

This document of the Department of Energy was signed on December 5, 2024, by David Crane, Under Secretary for Infrastructure, 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 6, 2024.

Treena V. Garrett,

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

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■ Accordingly, the interim final rule amending 10 CFR 420.15, which was published at 89 FR 33194 on April 29, 2024, is adopted as final without change.

[FR Doc. 2024-29062 Filed 12-11-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

10 CFR Part 429

Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 10 of the Code of Federal Regulations, Parts 200 to 499, revised as of January 1, 2024, in section 429.69, at

the end of paragraph (a)(1)(iii), reinstate the text “Represented values must be rounded to the nearest hundredth.”

[FR Doc. 2024-29415 Filed 12-11-24; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2024-2293; Airspace Docket No. 24-ACE-8]

RIN 2120-AA66

Amendment of Class E Airspace; Ottumwa, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Ottumwa, IA. This action is the result of an airspace review conducted due to the decommissioning of the Ottumwa very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. This action also updates the name and geographic coordinates of the airport to coincide with the FAA's aeronautical database. This action brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) procedures and operations.

DATES: Effective 0901 UTC, February 20, 2025. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at www.regulations.gov using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support

Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222-5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E surface area and Class E airspace extending upward from 700 feet above the surface at Ottumwa Regional Airport, Ottumwa, IA, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA-2024-2293 in the **Federal Register** (89 FR 80432; October 3, 2024) proposing to amend the Class E airspace at Ottumwa, IA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraphs 6002 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

FAA Order JO 7400.11J lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71: Modifies the Class E surface area at Ottumwa Regional Airport, Ottumwa, IA, by removing the Ottumwa VOR/DME and associated extension from the airspace legal description; and updates the name (previously Ottumwa Industrial Airport) and geographic