

requirements, Student aid, Vocational education.

Miguel Cardona,

Secretary of Education.

■ For the reasons stated in the preamble, the Department adopts the interim rule published on November 15, 2024, at 89 FR 90221, as final without change.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA-HQ-OAR-2023-0072; FRL-12547-01-OAR]

New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule; Final Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action denying or partially denying petitions for reconsideration.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is providing notice that it has responded to two petitions for reconsideration of the final action titled, “New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule”, published in the **Federal Register** on May 9, 2024. The Administrator has denied or partially denied the requests for reconsideration in separate letters to the petitioners. The basis for the EPA’s action is set out fully in the accompanying decision document, available in the rulemaking docket. At this time, the EPA is not addressing other grounds for reconsideration that have been raised by these or other petitioners.

DATES: Effective January 15, 2025.

FOR FURTHER INFORMATION CONTACT: Lisa Thompson (she/her), Sector Policies and Programs Division (D243-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency,

109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-5158; and email address: thompson.lisa@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Where can I get a copy of this document and other related information?

A copy of this **Federal Register** notice, the petitions for reconsideration, the letters denying the petitions and the accompanying decision document describing the full basis for the partial denial of these petitions are available in the docket the EPA established under Docket ID No. EPA-HQ-OAR-2023-0072. In addition, an electronic copy of this final action will be available on the internet at <https://www.epa.gov/stationary-sources-air-pollution/greenhouse-gas-standards-and-guidelines-fossil-fuel-fired-power>.

II. Judicial Review

This final action may be challenged in the United States Court of Appeals for the District of Columbia Circuit. Pursuant to CAA section 307(b)(1), petitions for judicial review of this action must be filed in that court within 60 days after the date notice of this final action is published in the **Federal Register**.

Section 307(b)(1) of the Clean Air Act (CAA) governs judicial review of final actions by the EPA. This section provides, in part, that “a petition for review of action of the Administrator in promulgating . . . any standard of performance or requirement under section [111] of [the CAA],” or “any other nationally applicable regulations promulgated, or final action taken, by the Administrator under [the CAA] may be filed only in the United States Court of Appeals for the District of Columbia.” This final action is “nationally applicable” within the meaning of CAA section 307(b)(1) because it denies or partially denies petitions to reconsider the “New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule,” which is a nationally applicable final action promulgating standards of performance and requirements under section 111 of the CAA. 89 FR 39798 (May 9, 2024) (“Carbon Pollution Standards”). This final action is nationally applicable because the result of this denial or partial denial of the petitions identified

herein is that the Carbon Pollution Standards remain in place and undisturbed, and because any judicial order disturbing the EPA’s reasoning herein would affect regulated entities throughout the nation.

Thus, any petitions for review of this final action denying or partially denying petitioners’ requests for reconsideration must be filed in the United States Court of Appeals for the District of Columbia Circuit by March 17, 2025.

III. Description of Action

On May 9, 2024, pursuant to CAA section 111 of the CAA, the EPA published a final action titled “New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule.” 89 FR 39798 (May 9, 2024). Following publication of this final action, the Administrator received petitions for reconsideration of certain aspects of the Carbon Pollution Standards pursuant to the Administrative Procedure Act and Clean Air Act.¹

The EPA carefully reviewed and evaluated each of these issues raised in the petitions for reconsideration based on the CAA section 307(d)(7)(B) criteria for reconsideration, as well as under section 553(e) of the Administrative Procedure Act (APA). For the reasons explained below, the EPA is denying, in part or whole, two petitions for reconsideration; specifically, the objections raised regarding EPA’s treatment of grid reliability, financing assertions related to new baseload natural gas-fired electric generation units (EGUs), and the inclusion of an enforceable backstop emissions rate in conjunction with mass-based compliance flexibilities for existing coal-fired steam-generating EGUs.

We discuss each of the petitions we are denying or partially denying and the basis for those denials in the accompanying decision document titled “The EPA’s Basis for Denying, in Part or Whole, Petitions for Reconsideration of the New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for

¹ One petitioner (Mountain State Energy Holdings, LLC) cited both the APA and CAA as bases for reconsideration and rulemaking; the second petitioner (Edison Electric Institute) did not cite any specific authority for its request for reconsideration.

Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule,” available in the rulemaking docket. At this time, the EPA is not addressing other grounds for reconsideration that have been raised by these or other petitioners.

Jane Nishida,

Acting Administrator.

[FR Doc. 2025–00659 Filed 1–14–25; 8:45 am]

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COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Part 1518

RIN 0331–AA09

Office of Environmental Quality Management Fund

AGENCY: Council on Environmental Quality.

ACTION: Final rule.

SUMMARY: The Council on Environmental Quality (CEQ) is amending its Office of Environmental Quality Management Fund regulations to clarify their meaning, modernize them to reflect developments in CEQ’s practices in administering the Office of Environmental Quality Management Fund (the Management Fund) since CEQ first adopted its regulations, and make administrative changes.

DATES: This rule is effective January 15, 2025.

FOR FURTHER INFORMATION CONTACT: Samuel Roth, Associate General Counsel, 202–395–5750, Samuel.E.Roth@ceq.eop.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Environmental Quality Improvement Act, as amended (Pub. L. 91–224, Title II, April 3, 1970; Pub. L. 97–258, September 13, 1982; and Pub. L. 98–581, October 30, 1984) established the Management Fund to receive advance payments from other agencies or accounts that may be used solely to finance (1) study contracts that are jointly sponsored by the Office of Environmental Quality (OEQ) and one or more other Federal agencies; and (2) Federal interagency environmental projects (including task forces) in which OEQ participates. 42 U.S.C. 4375(a). The statute requires the Director of the Office of Environmental Quality (OEQ) to promulgate regulations setting forth policies and procedures for operation of

the OEQ Management Fund. 42 U.S.C. 4375(c).¹

The CEQ Chair approved internal policies and procedures for operation of the Management Fund in January 1985. On October 4, 2002, the CEQ Chair promulgated regulations governing the operation of the Management Fund.²

II. Summary of the Final Rule

CEQ is amending its Management Fund regulations to clarify their meaning, including for consistency with the Plain Writing Act of 2010 (Pub. L. 111–274) and the Federal Plain Language Guidelines,³ modernize them to reflect developments in CEQ’s practices in administering the Management Fund since CEQ first adopted its regulations, and make administrative changes.

Section 1518.1—Purpose. CEQ revises this section to describe the purpose of the Office of Environmental Quality Management Fund as well as the purpose of part 1518, which is to set forth CEQ’s procedures for administering the Management Fund.

Section 1518.2—Definitions. CEQ revises this section to define key terms that appear throughout part 1518. In particular, CEQ removes the definitions of the terms “advance payment,” which the prior regulations defined but did not use elsewhere in part 1518, and “source,” which no longer appears in the regulations as revised. CEQ adds definitions for “environmental project” and “study contract” to clarify the meaning of those terms. These definitions are consistent with CEQ’s authorities under National Environmental Policy Act of 1969 (NEPA) and the Environmental Quality Improvement Act of 1970. CEQ also adds a definition of “personnel costs” to clarify the types of expenditures that CEQ may make from the Management Fund. Finally, CEQ adds definitions for “payment” and “reallocation” to clarify how the regulations use those terms to describe the movement of funds to and from the Management Fund.

Section 1518.3—Policy and general requirements. CEQ revises this section to more clearly explain the internal policies and procedures by which CEQ administers the Management Fund, including the types of expenditures that

¹ OEQ houses the professional and administrative staff of CEQ, and the Chair of CEQ is the Director of OEQ *ex officio*. 42 U.S.C. 4372(a), (d)(1). This preamble refers to the Chair of CEQ and the Director of OEQ, and to CEQ and OEQ, interchangeably.

² CEQ, Office of Environmental Quality Management Fund, 67 FR 62189 (Oct. 4, 2002).

³ Federal Plain Language Guidelines (1st rev. May 2011), <https://www.plainlanguage.gov/media/FederalPLGuidelines.pdf>.

CEQ may make from the Management Fund, and to eliminate outdated provisions that no longer reflect CEQ’s business processes.

Section 1518.4—Charters. CEQ revises this section, which describes the purpose of charters for environmental projects and study contracts that receive support from the Management Fund, to more clearly set forth what a charter must contain and to better explain the roles of the Director and the Project Officer in approving and amending a charter.

Section 1518.5—Finances and accounting. CEQ moves the provisions on Management Fund finances and accounting from the previous 40 CFR 1518.4(b) to § 1518.5. This section explains how agencies make payments into the Management Fund and specifies procedures for making expenditures from the Management Fund. CEQ makes clarifying changes to this section to improve its readability and better reflect current practices. Paragraph (a) requires the Project Officer for each environmental project or study contract receiving support from the Management Fund to prepare a budget estimate and update it annually. CEQ adds a new provision in paragraph (c)(1) that, consistent with longstanding practice, requires the Director to transmit a letter to an agency when requesting a payment into the Management Fund.

III. Regulatory Analysis and Notices

A. Administrative Procedure Act

This rule relates to a matter of agency management or personnel and is a rule of agency organization, procedure, or practice. As such, this rule is exempt from the usual requirements of prior notice and comment and a 30-day delay in effective date. See 5 U.S.C. 553(a)(2), (b), and (d). The rule is effective upon signature.

B. Regulatory Flexibility Act and Executive Order 13272, Proper Consideration of Small Entities in Agency Rulemaking

The Regulatory Flexibility Act (RFA), as amended, 5 U.S.C. 601 *et seq.*, and E.O. 13272, *Proper Consideration of Small Entities in Agency Rulemaking*,⁴ require agencies to assess the impacts of rules on small entities. Under the RFA, small entities include small businesses, small organizations, and small governmental jurisdictions. An agency must prepare a final regulatory flexibility analysis unless it determines and certifies that a final rule, if

⁴ 67 FR 53461 (Aug. 16, 2002).