

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1655

#### Procedures for Applying Payments to Principal and Interest Upon Loan Reamortization

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Retirement Thrift Investment Board (FRTIB) proposes to amend a loan reamortization rule that requires payment of all accrued interest prior to allowing payments on the principal and current interest. Under the proposed rule, the Thrift Savings Plan (TSP) record keeper would combine the accrued interest with the outstanding principal when reamortizing a loan.

**DATES:** Comments must be received on or before May 19, 2025.

**ADDRESSES:** You may submit comments using one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Office of General Counsel, Attn: Dharmesh Vashee, Federal Retirement Thrift Investment Board, 77 K Street NE, Suite 1000, Washington, DC 20002.

Comments will be made available to the public online at <https://www.regulations.gov>. Do not include any personally identifiable or confidential information that you do not want publicly disclosed. Anonymous comments are acceptable.

#### FOR FURTHER INFORMATION CONTACT:

*For press inquiries:* Jim Kaplan at (202) 864-7150.

*For information about how to comment on this proposed rule:* Laurissa Stokes at (202) 308-7707.

**SUPPLEMENTARY INFORMATION:** The FRTIB administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat.

514. The TSP is a tax-deferred retirement savings plan for Federal civilian employees and members of the uniformed services. The TSP is similar to cash or deferred arrangements established for private-sector employees under section 401(k) of the Internal Revenue Code (26 U.S.C. 401(k)). The provisions of FERSA that govern the TSP are codified, as amended, largely at 5 U.S.C. 8351 and 8401-79.

Section 1655.16 of the Code of Federal Regulations requires the TSP record keeper to follow specific procedures when a TSP loan is reamortized. Currently, under § 1655.16(b), the outstanding principal balance of a participant's loan remains the same upon reamortization, and any accrued interest is paid off first before payments are applied to principal and current interest.

The FRTIB proposes to update this regulation to require the TSP record keeper to combine the accrued interest with the outstanding principal when reamortizing a loan. This proposed rule aligns the TSP's procedures with the procedures that the TSP record keeper uses for processing reamortized loan repayments of individuals who participate in the private sector plans that the TSP record keeper also services.

*Regulatory Flexibility Act:* This proposed regulation will not have a significant economic impact on a substantial number of small entities. This regulation will affect Federal employees, members of the uniformed services who participate in the TSP and who take out a loan from their TSP account and later have their loan reamortized.

*Paperwork Reduction Act:* This proposed regulation does not require additional reporting under the criteria of the Paperwork Reduction Act.

*Unfunded Mandates Reform Act of 1995:* Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501-1571, the effects of this regulation on State, local, and Tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by State, local, and Tribal governments, in the aggregate, or by the private sector. Therefore, a statement under 2 U.S.C. 1532 is not required.

### List of Subjects in 5 CFR Part 1655

Government employees, Pensions, Retirement, Loan programs.

**Ravindra Deo,**

*Executive Director, Federal Retirement Thrift Investment Board.*

The FRTIB proposes to amend 5 CFR part 1655 as follows:

### PART 1655—LOAN PROGRAM

- 1. The authority citation for part 1655 continues to read as follows:

**Authority:** 5 U.S.C. 8432d, 8433(g), 8439(a)(3) and 8474.

- 2. Amend § 1655.16 by revising paragraph (b) to read as follows:

#### § 1655.16 Reamortization.

\* \* \* \* \*

(b) Upon reamortization, the new principal balance of the loan will equal the outstanding principal on the date of reamortization, plus any accrued interest.

\* \* \* \* \*

[FR Doc. 2025-06684 Filed 4-17-25; 8:45 am]

**BILLING CODE 6760-01-P**

## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[EERE-2025-BT-DET-0004]

RIN 1904-AF74

#### Energy Conservation Program: Proposed Withdrawal of Determination of Portable Electric Spas as a Covered Consumer Product

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Notice of proposed rulemaking; proposed withdrawal of determination.

**SUMMARY:** DOE is proposing to withdraw its prior determination that portable electric spas ("PESs") qualify as covered products under Part A of Title III of the Energy Policy and Conservation Act, as amended ("EPCA").

**DATES:** Written comments, data, and information are requested and will be accepted on or before May 19, 2025.

**ADDRESSES:** Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at [www.regulations.gov](https://www.regulations.gov) under docket number EERE-2025-BT-DET-0004.

Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2025–BT–DET–0004, by any of the following methods:

(1) *Email*: PES2025DET0004@ee.doe.gov. Include the docket number EERE–2025–BT–DET–0004 in the subject line of the message.

(2) *Postal Mail*: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121.

Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (“CD”), in which case it is not necessary to include printed copies.

(3) *Hand Delivery/Courier*: Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (“faxes”) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section III of this document.

**Docket:** The docket for this activity, which includes **Federal Register** notices, public meeting attendee lists and transcripts (if a public meeting is held), comments, and other supporting documents/materials, is available for review at [www.regulations.gov](http://www.regulations.gov). All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

The docket web page can be found at [www.regulations.gov/docket/EERE-2025-BT-DET-0004](http://www.regulations.gov/docket/EERE-2025-BT-DET-0004). The docket web page contains instructions on how to access all documents, including public comments, in the docket. See section III of this document for information on how to submit comments through [www.regulations.gov](http://www.regulations.gov).

#### FOR FURTHER INFORMATION CONTACT:

Dr. Carl Shapiro, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (240) 315–4339. Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Kristin Koernig, U.S. Department of Energy, Office of the General Counsel,

GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4798. Email: [Kristin.koernig@hq.doe.gov](mailto:Kristin.koernig@hq.doe.gov).

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#### I. General Discussion

Under EPCA, DOE may add consumer products to the list of covered products for which energy conservation standards can be established. 42 U.S.C. 6292(b)(1) The coverage determination procedures require DOE to conclude that classifying products of such type as covered products is necessary or appropriate to carry out the purposes of this chapter, among other requirements. *Id.* at 42 U.S.C. 6292(b)(1)(A). Only after coverage is determined, DOE may then adopt standards and test procedures regulating such products, pursuant to the requirements set out in the statute. See generally 42 U.S.C. 6293, 6295.

On February 16, 2022, DOE published in the **Federal Register** a notice of proposed determination (“NOPD”) that proposed to determine coverage for PESs. 87 FR 8745 (February 16, 2022) (“February 2022 NOPD”). After considering public comments, data, and information from interested parties submitted in response to the February 2022 NOPD, DOE finalized the coverage determination for PESs. 87 FR 54123 (Sept. 2, 2022) (“September 2022 Determination”). As part of the determination, DOE adopted a definition of “portable electric spa.”<sup>1</sup>

<sup>1</sup> DOE defined “portable electric spa” as a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water at the

DOE has reevaluated whether including portable electric spas as a covered product is necessary and appropriate to carry out the purposes of EPCA. Based on that evaluation, DOE has tentatively determined that, at this time, it is not necessary or appropriate to classify portable electric spas as a covered product to carry out the purposes of EPCA. EPCA provides the Secretary discretion in classifying a type of consumer product as a covered product as the Secretary *may* classify if certain requirements are met. (See 42 U.S.C. 6292(b) (emphasis added)). While DOE found in the September 2022 Determination that classifying PESs as a covered product was needed to set energy conservation standards for PESs and carry out EPCA’s purposes to conserve energy supplies and provide for improved energy efficiency of other consumer products, DOE has reevaluated that determination. See 87 FR 54123, 54126. Using the discretion provided by EPCA for classifying additional covered products, DOE has tentatively determined that there are other avenues to conserve energy supplies than classifying PESs as a covered product and establishing standards. Therefore, DOE has tentatively found that classifying PESs as a covered product is not necessary or appropriate to carry out the purposes of EPCA.

DOE requests comment on its proposal to withdraw coverage for portable electric spas.

#### II. Procedural Issues and Regulatory Review

##### A. Review Under Executive Orders 12866 and 13563

Executive Order (“E.O.”) 12866, “Regulatory Planning and Review,” as supplemented and reaffirmed by E.O. 13563, “Improving Regulation and Regulatory Review, 76 FR 3821 (Jan. 21, 2011), requires agencies, to the extent permitted by law, to (1) propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental,

time of sale or sold separately for subsequent attachment. See 10 CFR 430.2.

public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public. DOE emphasizes as well that E.O. 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs (“OIRA”) in the Office of Management and Budget (“OMB”) has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. For the reasons stated in the preamble, this proposed regulatory action is consistent with these principles.

Section 6(a) of E.O. 12866 also requires agencies to submit “significant regulatory actions” to OIRA for review. OIRA has determined that this proposed regulatory action does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this proposed action was not submitted to OIRA for review under E.O. 12866.

#### *B. Review Under the Regulatory Flexibility Act*

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (“IRFA”) and a final regulatory flexibility analysis (“FRFA”) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, “Proper Consideration of Small Entities in Agency Rulemaking,” 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel’s website ([www.energy.gov/gc/office-general-counsel](http://www.energy.gov/gc/office-general-counsel)).

DOE reviewed this proposed withdrawal of determination under the provisions of the Regulatory Flexibility Act and the policies and procedures

published on February 19, 2003. This proposal does not establish test procedures or standards for PESs, and, if adopted, DOE would no longer have the authority to consider establishing or amending such measures. Therefore, DOE initially concludes that the impacts of the proposed withdrawal of determination would not have a “significant economic impact on a substantial number of small entities,” and that the preparation of an IRFA is not warranted. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

#### *C. Review Under the Paperwork Reduction Act*

This proposed withdrawal of determination, which proposes that PESs do not meet the criteria for a covered product for which the Secretary may consider prescribing energy conservation standards pursuant to 42 U.S.C. 6295(o) and (p), imposes no new information or record-keeping requirements. Accordingly, the OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

#### *D. Review Under the National Environmental Policy Act of 1969*

Pursuant to the National Environmental Policy Act of 1969 (“NEPA”), DOE is analyzing this proposed withdrawal of determination in accordance with NEPA and DOE’s NEPA implementing regulations (10 CFR part 1021). DOE’s regulations include a categorical exclusion for rulemakings that are strictly procedural. See 10 CFR part 1021, subpart D, appendix A6. DOE anticipates that this proposed rulemaking qualifies for categorical exclusion A6 because it is a strictly procedural rulemaking and otherwise meets the requirements for application of a categorical exclusion. See 10 CFR 1021.410. DOE will complete its NEPA review before issuing the final determination.

#### *E. Review Under Executive Order 13132*

E.O. 13132, “Federalism,” 64 FR 43255 (Aug. 10, 1999), imposes certain requirements on Federal agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. The Executive order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The

Executive order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE has examined this proposed withdrawal of determination and has tentatively determined that it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of this proposed withdrawal of determination. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) Therefore, no further action is required by E.O. 13132.

#### *F. Review Under Executive Order 12988*

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, “Civil Justice Reform,” imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity, (2) write regulations to minimize litigation, (3) provide a clear legal standard for affected conduct rather than a general standard, and (4) promote simplification and burden reduction. 61 FR 4729 (Feb. 7, 1996). Regarding the review required by section 3(a), section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation (1) clearly specifies the preemptive effect, if any, (2) clearly specifies any effect on existing Federal law or regulation, (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction, (4) specifies the retroactive effect, if any, (5) adequately defines key terms, and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed withdrawal of determination

meets the relevant standards of E.O. 12988.

*G. Review Under the Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (“UMRA”) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. Public Law 104–4, sec. 201 (codified at 2 U.S.C. 1531). For a regulatory action likely to result in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a “significant intergovernmental mandate,” and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. DOE’s policy statement is also available at [www.energy.gov/sites/prod/files/gcprod/documents/umra\\_97.pdf](http://www.energy.gov/sites/prod/files/gcprod/documents/umra_97.pdf).

DOE examined this proposed withdrawal of determination according to UMRA and its statement of policy and determined that the proposed withdrawal of determination does not contain a Federal intergovernmental mandate, nor is it expected to require expenditures of \$100 million or more in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. As a result, the analytical requirements of UMRA do not apply.

*H. Review Under the Treasury and General Government Appropriations Act, 1999*

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed withdrawal of determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to

prepare a Family Policymaking Assessment.

*I. Review Under Executive Order 12630*

Pursuant to E.O. 12630, “Governmental Actions and Interference with Constitutionally Protected Property Rights,” 53 FR 8859 (March 18, 1988), DOE has determined that this proposed withdrawal of determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

*J. Review Under the Treasury and General Government Appropriations Act, 2001*

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for Federal agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general guidelines issued by OMB. OMB’s guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE’s guidelines were published at 67 FR 62446 (Oct. 7, 2002). Pursuant to OMB Memorandum M–19–15, Improving Implementation of the Information Quality Act (April 24, 2019), DOE published updated guidelines which are available at: [www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf](http://www.energy.gov/sites/prod/files/2019/12/f70/DOE%20Final%20Updated%20IQA%20Guidelines%20Dec%202019.pdf). DOE has reviewed this proposed withdrawal of determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

*K. Review Under Executive Order 13211*

E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,” 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA at OMB, a Statement of Energy Effects for any significant energy action. A “significant energy action” is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) is a significant regulatory action under Executive Order 12866, or any successor order and is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their

expected benefits on energy supply, distribution, and use.

This proposed withdrawal of determination, which does not amend or establish energy conservation standards for PESs, is not a significant regulatory action under E.O. 12866. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy, nor has it been designated as such by the Administrator at OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

*L. Review Under the Information Quality Bulletin for Peer Review*

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (“OSTP”), issued its Final Information Quality Bulletin for Peer Review (“the Bulletin”). 70 FR 2664 (Jan. 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal Government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government’s scientific information. Under the Bulletin, the energy conservation standards rulemaking analyses are “influential scientific information,” which the Bulletin defines as “scientific information the agency reasonably can determine will have, or does have, a clear and substantial impact on important public policies or private sector decisions.” 70 FR 2664, 2667.

In response to OMB’s Bulletin, DOE conducted formal peer reviews of the energy conservation standards development process and the analyses that are typically used and prepared a report describing that peer review.<sup>2</sup> Generation of this report involved a rigorous, formal, and documented evaluation using objective criteria and qualified and independent reviewers to make a judgment as to the technical/scientific/business merit, the actual or anticipated results, and the productivity and management effectiveness of programs and/or projects. Because available data, models, and technological understanding have changed since 2007, DOE has engaged with the National Academy of Sciences to review DOE’s analytical methodologies to ascertain whether

<sup>2</sup> The 2007 “Energy Conservation Standards Rulemaking Peer Review Report” is available at the following website: [www.energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0](http://www.energy.gov/eere/buildings/downloads/energy-conservation-standards-rulemaking-peer-review-report-0) (last accessed July 1, 2022).

modifications are needed to improve the Department's analyses. DOE is in the process of evaluating the resulting report.<sup>3</sup>

#### *M. Review Under Additional Executive Orders and Presidential Memoranda*

DOE has examined this proposed withdrawal of determination and has tentatively determined that it is consistent with the policies and directives outlined in E.O. 14154 "Unleashing American Energy," E.O. 14192, "Unleashing Prosperity Through Deregulation," and Presidential Memorandum, "Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis." This proposed withdrawal of determination, if finalized as proposed, is expected to be an E.O. 14192 deregulatory action.

### **III. Public Participation**

#### *A. Submission of Comments*

DOE will accept comments, data, and information regarding this notification of proposed determination no later than the date provided in the **DATES** section at the beginning of this document. Interested parties may submit comments, data, and other information using any of the methods described in the **ADDRESSES** section at the beginning of this document.

*Submitting comments via www.regulations.gov.* The *www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Otherwise, persons viewing comments will see only first and last names,

organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information ("CBI")). Comments submitted through *www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *www.regulations.gov* provides after you have successfully uploaded your comment.

*Submitting comments via email.* Comments and documents submitted via email also will be posted to *www.regulations.gov*. If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information in a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. With this instruction followed, the cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. No faxes will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, or text (ASCII) file format. Provide documents that are not secured, that are written in English, and that are free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

*Campaign form letters.* Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

*Confidential Business Information.* Pursuant to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email two well-marked copies: One copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

It is DOE policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

#### *B. Issues on Which DOE Seeks Comments*

DOE welcomes comments on all aspects of this proposed withdrawal of determination. DOE is particularly interested in receiving comments and views of interested parties concerning whether withdrawing the coverage determination of portable electric spas as a covered product is consistent with the purposes of EPCA.

DOE is also interested in receiving views concerning other relevant issues that participants believe would affect the tentative conclusions presented in this document.

After the expiration of the period for submitting written statements, DOE will consider all comments and additional information that is obtained from interested parties or through further analyses, and it may prepare a final withdrawal of the coverage determination for PESs.

### **IV. Approval of the Office of the Secretary**

The Secretary of Energy has approved publication of this notice of proposed rulemaking; proposed withdrawal of determination.

#### **List of Subjects in 10 CFR Part 430**

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Reporting and recordkeeping requirements, and Small businesses.

#### **Signing Authority**

This document of the Department of Energy was signed on April 11, 2025, by Louis Hrkman, Principal Deputy

<sup>3</sup> The report is available at [www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards](https://www.nationalacademies.org/our-work/review-of-methods-for-setting-building-and-equipment-performance-standards).

Assistant Secretary for Energy Efficiency and Renewable Energy, 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 April 15, 2025.

**Treena V. Garrett,**

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

For the reasons set forth in the preamble, DOE is proposing to amend part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, to read as set forth below:

#### **PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS**

■ 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Amend § 430.2 by:

- a. Revising the definition of “Covered product”; and
- b. Removing the definition of “Portable electric spa”.

The revision reads as follows:

##### **§ 430.2 Definitions.**

\* \* \* \* \*

*Covered product* means a consumer product—

(1) Of a type specified in section 322 of the Act; or

(2) That is an air cleaner, battery charger, ceiling fan, ceiling fan light kit, dehumidifier, external power supply, medium base compact fluorescent lamp, miscellaneous refrigeration product, portable air conditioner, or torchiere.

\* \* \* \* \*

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**BILLING CODE 6450–01–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

[Docket No. FAA–2024–2055; Airspace Docket No. 22–AWP–56]

**RIN 2120–AA66**

#### **Modification of Class D Airspace, Establishment of Class E Airspace; San Bernardino International Airport, San Bernardino, CA**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The FAA is withdrawing the notice of proposed rulemaking (NPRM) published in the **Federal Register** on October 11, 2024, which proposed to modify the Class D airspace, establish Class E airspace designated as an extension to a Class D surface area, and update the administrative portion of the legal description at San Bernardino International Airport, CA (KSBD).

**DATES:** Effective as of 0901 UTC, April 18, 2025, the proposed rule for KSBD (89 FR 82538; October 11, 2024) is withdrawn.

#### **FOR FURTHER INFORMATION CONTACT:**

Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

#### **SUPPLEMENTARY INFORMATION:**

##### **History**

The FAA published an NPRM in the **Federal Register** for Docket No. FAA–2024–2055 (89 FR 82538; October 11, 2024) to modify the Class D airspace, establish Class E airspace designated as an extension to a Class D surface area, and update the administrative portion of the legal description at KSBD. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. Forty-six written comments and three phone calls were received in reference to the proposed action. Most comments were against the proposal and centered around KSBD/Redland Municipal Airport’s (KREI) airspace proximity/complexity, lack of RADAR/surveillance equipment at KSBD, and/or the effects of wake turbulence. Two comments were received in favor of the proposal.

The three comments received by phone requested either an extension to the comment period or an image of the proposal. The FAA published an NPRM in the **Federal Register** for Docket No. FAA–2024–2055 (89 FR 86761; October

31, 2024) to extend the docket’s comment period by 15 days. On November 20, 2024, the FAA added an image of the proposed airspace to the docket via a comment that estimated how it would be presented within a visual flight rules (VFR) sectional chart.

Thirty commentors expressed concern over the 100-foot proximity between KREI’s published traffic pattern altitude (2,500 feet mean sea level [MSL]) and the base of the proposed Class D airspace shelf (2,600 feet MSL), and that the lack of vertical separation between the two areas could introduce conflicts to aircraft operating in and around the vicinity of KREI. The FAA agrees that the Class D shelf within the proposal could compress KREI traffic under the shelf. Two of the 26 comments on this subject suggested the establishment of a terminal radar service area as a potential mitigation tool; this would define an area in which participating VFR aircraft would be separated from instrument flight rules (IFR) aircraft and other participating VFR aircraft, in addition to basic radar services.

Eighteen comments expressed concern about wake turbulence that could be caused by the arrival procedures to Runway 24 at KSBD. These comments are not germane to this proposal.

Twenty-three comments suggested installing surveillance equipment at KSBD. These comments are not germane to the proposal.

Eighteen comments expressed environmental concerns of increased noise, air pollution, insufficient lighting, and economic impacts to the surrounding areas. These comments are not germane to the proposal.

Nine comments expressed concern that a Class E airspace surface area extension north through east of KREI would prohibit ultralight operations. Code of Federal Regulations Title 14 § 103.17 states that no person may operate an ultralight vehicle within Class A, Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated *for an airport* unless that person has prior authorization from the air traffic control facility having jurisdiction over that airspace. Ultralight activity is permitted within Class E airspace areas designated as an extension to a Class D or Class E surface area, as the airspace is not designated *for an airport*.

Nine comments expressed concern over the lack of a common traffic frequency/universal communication frequency or facility-to-facility coordination. These comments are not germane to the proposal.