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[6450-01-P]

DEPARTMENT OF ENERGY

10 CFR Part 205

[DOE-HQ-2025-0019]

RIN 1901-AB69

Application for Authorization to Transmit Electric Energy to a Foreign Country

AGENCY: Office of Electricity, Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE or the Department) is publishing this document to finalize the proposed rule and respond to comments received on the notice of proposed rulemaking (NOPR) entitled, "Application for Authorization to Transmit Electric Energy to a Foreign Country," published on May 16, 2025. This final rule will simplify the application process for authorizations to transmit electric energy to a foreign country, as required by the Federal Power Act (FPA).

DATES: The effective date of the final rule is [**INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER***].

ADDRESSES: The docket for this rule, which includes the *Federal Register* notices, comments, and other supporting documents and materials, is available for review at *www.regulations.gov*. All documents in the docket are listed in the *www.regulations.gov* index. The docket web page can be found at *www.regulations.gov/docket/DOE-HQ-2025-0019*. The docket web page contains instructions on how to access all documents, including public comments, in the docket, as well as a summary.

FOR FURTHER INFORMATION CONTACT: Marina Fennel, U.S. Department of Energy, Director, Federal Permitting Programs, Office of Electricity; 1000 Independence Avenue, SW, Washington, DC 20585; Telephone: (240) 702-6156; Email: *electricity.exports@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. General Discussion

On May 16, 2025, DOE published a NOPR (90 FR 20826) to amend the application process codified at 10 CFR 205.300 through 10 CFR 205.309 concerning authorization to transmit electric energy to a foreign country pursuant to section 202(e) of the FPA. 16 U.S.C. 824a(e).[1] Section 202(e) requires that DOE "shall issue such order [authorizing the export of electricity to a foreign country] upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of [DOE]."

DOE proposed to amend the application process by removing §§ 205.301 through 205.309 and modifying the language of § 205.300. DOE sought comment on all aspects of the proposal, including but not limited to the prior rule's consistency with statutory authority and the Constitution, national security, its contemporary relevance, its costs and benefits, and its effect on small business, entrepreneurship, and private enterprise. 90 FR 20826, 20826. Public comments were requested by July 15, 2025.

II. Responses to Comments

DOE received four comments in response to the NOPR: one in support and three opposing. Below is a summary of the comments received and DOE's responses.

Table II.1 List of Commenters from the May 16, 2025 NOPR

Commenter	Reference in this Rule	Comment No. in the Docket	Commenter Type
T P	T P	DOE-HQ-2025-0019-0002	Individual
Public Citizen, Inc.	Public Citizen	DOE-HQ-2025-0019-0003	Non-Profit Consumer Advocacy Organization
Center for Biological Diversity	CBD	DOE-HQ-2025-0019-0004	Non-Profit Conservation Organization

[1] Note, the NOPR was issued by DOE's legacy Grid Deployment Office; the Department has recently undergone a reorganization, and the rulemaking is now being issued by DOE's Office of Electricity. The NOPR mistakenly cited 16 U.S.C. 824(e). However, the correct citation is 16 U.S.C. 824a(e).

International Energy Credit Association	IECA	DOE-HQ-2025-0019-0005	501(c)(6) Non-Profit Industry Association

IECA commented in support of the proposed amendment, stating it will "[excise] unnecessary and burdensome information requirements"; strictly adhere to Congress' intent under section 202(e) of the FPA; and remove compliance risks for applicants seeking renewal. (DOE HQ-2025-0019-0005 at 2-4). IECA stated the proposed amendment will "aid in improving economic efficiency, competition in the electric energy markets, lower electric energy prices, and drive the least-cost dispatch of electric energy across the grid." (DOE HQ-2025-0019-0005 at 2). DOE acknowledges IECA's feedback and support for the proposed amendments.

Additionally, IECA recommended that the DOE "issue guidelines for applicants setting forth examples of the various types of information that would enable DOE to find that the proposed transmission will not impair the sufficiency of the electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the FPA." (*Id.* at 4). IECA also recommended including "that a timely application for renewal effectuates an extension of existing authorization until such time as DOE issues an order on the renewal application." (*Id.*) DOE recognizes IECA feedback and intends to publish supplemental materials outside of the Code of Federal Regulations to assist prospective applicants with preparing applications. DOE will consider incorporating IECA's recommendation regarding the effect of renewal submissions at a later time, but at this point DOE is obliged to abide by authorization expiration date.

Three comments opposed the proposed amendments. Collectively, the commenters asserted that such amendments violate the Administrative Procedure Act (APA), the FPA, and the National Environmental Policy Act (NEPA). DOE acknowledges these comments and addresses them in the following three parts: rulemaking, statutory authority, and environmental compliance. Lastly, this final rule discusses several editorial edits being adopted.

Rulemaking

Two commenters, CBD and T P, expressed opposition to the process by which DOE is undertaking a rulemaking. CBD asserted that DOE's action violates the APA, stating that the NOPR is arbitrary and capricious, and that DOE failed to provide a rational basis for the policy change by not offering justification grounded in data or analysis. (DOE HQ-2025-0019-0004 at 2-3). T P contended that the proposed rulemaking contradicts Executive Order (E.O.) 14192 because T P contends that increased export of electricity would raise the cost of electricity for American consumers, and DOE's NOPR failed to detail actual costs of implementing the proposed rule. (DOE HQ-2025-0019-0002).

DOE acknowledges that the APA prohibits agency actions from being "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *See* 5 U.S.C. 706(2)(A). However, the proposed amendment intends to align agency procedures to current policy by removing economic, administrative, and procedural burdens on applicants tied to outdated application requirements. *See* 90 FR 20826; E.O. 14154 and 14192.

The existing regulations regarding authorization to transmit electric energy to a foreign country, as amended, were last updated in 1981. The regulations that were in place prior to this final rule did not contemplate the existence of Regional Transmission Organizations, Independent System Operators, balancing authorities or other such entities that ensure that regional transmission systems are operated reliably. The 1981 regulations were crafted at a time when exports of electricity were conducted only by vertically-integrated utilities that owned international transmission facilities. Since the time those regulations were promulgated, many significant developments have transformed the electric power industry and regulatory framework. For example, the Federal Energy Regulatory Commission (FERC) has issued several open access orders, including Order Nos. 888 and 889, which led to the rise of electric power marketers. Power marketers have no franchised service area and no physical transmission or generation assets because they do not produce electricity. Instead, they purchase and sell electricity on the open market and thereby improve the efficiency of electric power markets.

Since the mid-1990's power marketers have been the main applicants for electricity Export Authorizations that are subject to the regulations at issue in this final rule. These entities vary greatly from the traditional vertically integrated utility model where a single utility generated, transmitted, and sold all electricity in a franchised service area. On the contrary, power marketers do not produce the power they sell. They increase efficiency by facilitating the use and purchase of electricity that might otherwise go unsold or unutilized to a customer in an area that has a need for it.

In response to major changes in the electric power industry, the Department has intended to amend the regulations to modernize the 1981 regulations at 10 CFR part 205. For example, a proposal appeared in the Office of Information and Regulatory Affairs' Unified Agenda and Regulatory Plan in Fall 2023[2]. This final rule modernizes the regulations to reflect the realities of the current electric transmission sector, as discussed previously. The FPA authorizes DOE, as an expert agency, to establish such implementing regulations as it deems necessary. FPA section 391; 16 U.S.C. 825h. Accordingly, the amendments adopted in the final rule are a logical exercise of that statutory authority and are not arbitrary, capricious, an abuse of discretion, or otherwise contrary to law.

This final rule establishes simplified procedures under which persons may apply for authorization to transmit electric energy to a foreign country. This simplified process is appropriate because Congress provided only limited decision-making authority to the Department for considering export authorization applications. FPA section 202(e); 16 U.S.C. 824a(e). As noted above, the statute provides that DOE "shall" authorize energy export unless it finds that the proposed transmission would either impair the sufficiency of electric supply within the United States or impede or tend to impede the coordination in the public interest of facilities subject to DOE's jurisdiction. Finally, the revisions adopted in this final rule ease the existing regulatory burden on both applicants and the DOE by reducing the amount of information and

[2] *See www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=1901-AB35*.

the number of documents required in an application. It also reduces the financial burden placed on applicants by eliminating the $500 application filing fee, which is estimated to reduce the annual application burden by $10,000.

DOE further recognizes that section 202(e) of the FPA requires that DOE provide "opportunity for hearing." The FPA does not indicate that an "opportunity for hearing" requires a formal process, nor does it define "hearing." Historically, DOE's regulations applicable to the consideration of authorization applications to transmit electric energy to a foreign country at 10 CFR 205.300-309 have not specified a process by which DOE hears or considers opposing views about the applications. DOE's practice has been to use the *Federal Register* for noticing applications and receiving public comments. In soliciting public comments, DOE's practice has been to use FERC's Rule 211 process (18 CFR 385.211) for receiving protests, and FERC's Rule 214 process (18 CFR 385.214) for receiving motions to intervene.

However, there is no legal requirement for DOE to adopt the mentioned FERC procedures for the consideration of energy export authorization applications, and DOE does not consider the voluntary use of FERC's procedures has added value to the Department's consideration process. In fact, the use of these procedures unnecessarily delays and complicates the process, especially given that Congress only granted limited authority to the Department to deny applications. Therefore, DOE will discontinue the practice of voluntarily inviting protests and motions via FERC procedural rules.

DOE intends to satisfy its obligation to offer opportunity for hearing by continuing to publish notice of applications, either on its applicable Departmental website or in the *Federal Register*, and placing any timely public comments or feedback received to *electricity.exports@hq.doe.gov* in the public file associated with the application. DOE will consider all comments relevant to its decision-making authority for considering export authorization applications.

DOE expects that this amendment will reduce the burden for applicants and DOE. These effects of the rule are not expected to exceed $100 million annually or otherwise be adverse to any group.

Statutory Authority

CBD and Public Citizen further assert that the amendment violates section 202(e) of the FPA. Both CBD and Public Citizen assert that the FPA's purpose is to assure the abundant supply of domestic electricity (DOE HQ-2025-0019-0004 at 4; DOE-HQ-2025-0019-0003 at 2). Public Citizen further states that the DOE's rationalization for the NOPR is unsupported by the statutory language of the FPA and contradicts E.O. 14156, "Declaring A National Energy Emergency" (DOE-HQ-2025-0019-0003 at 2-3).

Under FPA section 202(e), DOE "shall issue such order upon application unless, after opportunity for hearing, it finds that the proposed transmission would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of [DOE]." 16 U.S.C. 824a(e).

DOE interprets the first criterion to mean that sufficient generating capacity and electric energy must first exist such that the export could be made without compromising the energy needs of the exporting region, including serving all load obligations in the region while maintaining appropriate reserve levels. DOE interprets the second criterion primarily as an issue of the operational reliability of the domestic electric transmission system. Accordingly, the export must not compromise transmission system security and reliability. For these reasons, each Export Authorization Order that DOE issues asserts this interpretation; each Export Authorization requires that "sufficient generating capacity and electric energy must exist such that the export could be made without compromising the energy needs of the exporting region, including serving all load obligations in the region while maintaining appropriate reserve levels" and that "the export must not compromise transmission system security and reliability." See, *e.g.*, BP Energy Co., Order No. EA-314, at 1-2 (Feb. 22, 2007), renewed, Order No. EA-314-A, at 2

(May 3, 2012), Order No. EA-314-B, at 2 (Feb. 28, 2017), renewed, Order No. EA-314-C, at 4 (Dec. 20, 2021).

To determine whether such a proposed export would impair domestic sufficiency of supply or impede the coordinated use of the U.S. power supply, DOE relies on market mechanisms and reliability oversight. FERC, influenced by the Energy Policy Acts (EPAct) of 1992 and 2005, has fostered competitive wholesale energy markets across the United States.[3] These markets, characterized by open access to transmission facilities and the presence of regional transmission organizations and independent system operators, allow market participants, including exporters, to access available supplies efficiently. Furthermore, entities such as power marketers operate within these markets. As these marketers do not have an obligation to serve a franchised territory or native load, their exports allow for the transfer of electricity that might not otherwise be utilized to a willing customer. Thus, exports are not drawn from resources earmarked for specific domestic customer obligations. DOE finds that absent demonstrable flaws in these markets, exports authorizations do not impair the sufficiency of electric supply within the United States.

The Energy Policy Act of 2005 empowered FERC to certify an electric reliability organization, leading to the establishment of the North American Electric Reliability Corporation (NERC). 16 U.S.C. 824o; FERC issued Order No. 672. NERC, in conjunction with FERC and regional entities, develops and enforces mandatory reliability standards for the bulk-power system across North America. These standards encompass various operational aspects, from resource balancing to emergency preparedness, and apply to all bulk-power system owners, operators, and users. Critically, reliability coordinators and balancing authorities have the

[3] EPAct of 1992 amended sections 211 and 212 of the FPA to authorize the FERC to order utilities to provide transmission services to unaffiliated wholesale generators on a case-by-case basis. This process, known as "wheeling," which fostered growth in independent generation by allowing independent power producers to transmit electricity over utility-owned transmission lines, thereby increasing competition in the wholesale electricity market. 16 U.S.C. 824j and 16 U.S.C. 824k. EPAct of 2005 strengthened the transmission network by authorizing FERC to develop reliability standards and to prohibit market manipulation to ensure fair competition, which could be enforced by Electric Reliability Organizations (EROs). 16 U.S.C. 824o and 16 U.S.C. 824p

authority and responsibility to manage power generation and transmission, ensuring adequate reserves and, when necessary, curtailing or denying scheduled flows, including exports, to maintain regional reliability and prevent system disturbances. This multi-layered enforcement mechanism provides assurance that approved exports will not lead to operational reliability issues on the domestic transmission system.

Environmental Compliance

Two commenters, CBD and T P, voiced opposition to the DOE's interpretation of NEPA compliance and one commenter, IECA, voiced support. Both CBD and T P disagreed with the DOE's Categorical Exclusion determination, arguing that the NOPR's intended results of facilitating electricity exports, including that of fossil fuel-generated electricity, would result in direct and indirect environmental impacts and risks. (DOE HQ-2025-0019-0004 at 5; DOE HQ-2025-0019-0002). ICEA expressed support for the Categorical Exclusion. (DOE HQ-2025-0019-0005 at 2).

As outlined in section II of May 2025 NOPR, DOE conducted a review of the potentially applicable categorical exclusions to this proposed action in accordance with the NEPA and DOE's Implementing Regulations at 10 CFR part 1021 (part 1021), as in effect at the time of the NOPR's publication. In May 2025, DOE had determined that the NOPR was excluded from further NEPA review pursuant to a categorical exclusion (CX) that appeared in "appendix A to subpart D of part 1021 – Categorical Exclusions Applicable to General Agency Actions." The relevant CX was entitled, "A6 Procedural Rulemakings." In July 2025, DOE revised part 1021 with the publication of the "U.S. Department of Energy National Environmental Policy Act (NEPA) Implementing Procedures" (DOE NEPA Implementing Procedures). The DOE NEPA Implementing Procedures retitled appendix A, including "A6 Procedural rulemakings," as "Administrative and Routine Actions Excepted from NEPA Review." This change in title was based on the Fiscal Responsibility Act of 2023 and its amendment to the definition of "major Federal action" in NEPA section 111(10). 42 U.S.C. 4336e. Therefore, DOE has no obligation to

review the final rule pursuant to NEPA because this action is within the scope of the now retitled appendix A.

Regarding the NEPA applicability to applications for electricity export authorization, DOE's NEPA Implementing Procedures maintains the longstanding "Appendix B Categorical Exclusions Applicable to Specific Agency Actions." Both the prior and current versions of appendix B identify "B4.2 Export of Electric Energy" (CX B4.2). CX B4.2 applies to the export of electric energy as provided by section 202(e) of the FPA over existing transmission systems or using transmission system changes that are themselves categorically excluded as a category of actions which do not normally have a significant effect on the human environment. DOE's NEPA review of proposed export authorizations will continue unchanged pursuant to this updated procedural regulation.

Editorial Changes in Final Rule

In this final rule, DOE has decided to include two editorial revisions to the text of 10 CFR 205.300 to more clearly implement the Department's goal of burden reduction and align with the FPA.

In the NOPR, DOE referred to an "entity subject to DOE jurisdiction under part II of the Federal Power Act." However, FPA section 202(e) refers to "a person" applying to transmit electric energy from the United States. Therefore, this final rule adopts the language "a person" rather than "an entity subject to DOE." This updated text does not alter the scope of the rule or the requirements for export applicants and appropriately aligns with statutory language.

Additionally, the NOPR included the following sentence in the proposed regulatory text of 10 CFR 205.300, "DOE has a strong policy in favor of approving applications, and doing so quickly and expeditiously." In this final rule, DOE is removing the proposed sentence because it is a policy statement and not necessarily helpful or relevant in regulatory text. Furthermore, the statement could be misleading, as the FPA requires that DOE "shall issue" export authorizations

unless the export would impair the sufficiency of electric supply or impede the coordination of facilities subject to DOE.

III. Conclusion

For the reasons discussed in the preceding sections of this document, DOE is not withdrawing the May 2025 NOPR and is adopting the amendments as proposed in the May 2025 NOPR, with minor editorial revisions. The regulatory text at §§ 205.301 through 205.309 is hereby removed, and § 205.300 is hereby modified.

IV. Procedural Issues and Regulatory Review

A. Review under Executive Order 12866

Section 6(a) of Executive Order (‘‘E.O.”) 12866, “Regulatory Planning and Review,” 58 FR 51735 (Oct. 4, 1993), requires agencies to submit “significant regulatory actions” to the Office of Information and Regulatory Affairs (“OIRA”) in the Office of Management and Budget (“OMB”) for review. OIRA has determined that this regulatory action does not constitute a “significant regulatory action” under section 3(f) of E.O. 12866. Accordingly, this action was not submitted to OIRA for review under E.O. 12866.

B. Review Under Additional Executive Orders and Presidential Memoranda

DOE has examined this final rule and has 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 final rule is an E.O. 14192 deregulatory action because it reduces cost by reducing hours applicants will spend preparing export authorization applications for submission to DOE. DOE further estimates that on average, the Department. receives about 20 applications per year and by eliminating the $500 application fee, this action will result in a burden reduction of approximately $10,000 per year.

C. Review Under 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)*.

DOE reviewed this final rule under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. This final rule reduces regulatory requirements for export authorization order applications so that less time is needed to prepare applications. This final rule will reduce time needed to prepare applications, meaning that applicant exporters will have additional time to devote to other matters. This time savings will provide a minor economic benefit to all applicants. Therefore, DOE concludes that the impacts of the rule would not have a "significant economic impact on a substantial number of small entities," and that the preparation of an FRFA 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).

D. Review Under Paperwork Reduction Act

This final rule imposes no new information collection requirements subject to the Paperwork Reduction Act and OMB clearance is not required. (44 U.S.C. 3501 *et seq*.)

E. Review Under National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969 ("NEPA"), DOE has analyzed this final rule in accordance with NEPA and DOE's NEPA implementing regulations (10 CFR part

1021). As discussed in section II, the final rule is a procedural rule and is exempted from NEPA review, per the DOE NEPA Implementing Procedures, appendix A, specifically "A6 Procedural rulemakings."

F. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 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 final rule and has 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. Therefore, no further action is required by Executive Order 13132.

G. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 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 Executive Order 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 final rule meets the relevant standards of Executive Order 12988.

H. Review Under 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.*

DOE examined this final rule according to UMRA and its statement of policy and determined that the final rule 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.

I. Review Under 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 final rule 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.

J. 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 final rule would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

K. Review Under 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/cio/department-energy-information-quality-guidelines.* DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with

applicable policies in those guidelines.

L. Review Under Executive Order 13211

Executive Order 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 promulgated 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 (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) 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.

The final rule amends specific sections of 10 CFR 205.300 to reduce regulatory burden and remove out of date requirements. By amending the regulations, the final rule allows applicants to include the information the applicant deems relevant to DOE's consideration for making any authorizations under the Federal Power Act. This final rule is a non-significant regulatory action under E.O. 12866 and will 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. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will submit to Congress a report regarding the issuance of this final rule prior to the effective date set forth at the outset of this rule. 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).

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of final rule.

List of Subjects in 10 CFR Part 205

Administrative practice and procedure, Electric power, Electric utilities, Energy, Environmental protection, Exports, Foreign relations.

Signing Authority

This document of the Department of Energy was signed on June 16, 2026, by Catherine Jereza, Assistant Secretary, Office of Electricity, 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 June 17, 2026.

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

For the reasons set forth in the preamble, DOE amends part 205 of Chapter II of title 10, Code of Federal Regulations, as set forth below:

PART 205 -ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. The authority for part 205 continues to read as follows:

Authority: Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*); Federal Power Act, Pub. L. 66-280, 41 Stat. 1063 (16 U.S.C. 792 *et seq.*); E.O. 10485, 18 FR 5397, 3 CFR, 1949-1953, Comp., p. 970 as amended by E.O. 12038, 43 FR

4957, 3 CFR 1978 Comp., p. 136; E.O. 14154, 90 FR 8353. Pub. L. 95-91, 91 Stat. 565 (42 U.S.C. 7101); Pub. L. 66-280, 41 Stat. 1063 (16 U.S.C. Section 792 *et seq.*); E.O. 10485, 18 FR 5397, 3 CFR, 1949-1953, Comp., p. 970 as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136; Department of Energy Delegation Order No. 00-002.00Q (Nov. 1, 2018).

2. Revise § 205.300 to read as follows:

§ 205.300 Who shall apply.

To obtain authorization to transmit any electric energy from the United States to a foreign country, an electric utility or any other person seeking to transmit any electricity from the U.S. to a foreign country must submit an application or be a party to an application submitted by another entity. The application shall include information the applicant deems relevant to DOE's determination under section 202(e) in the Federal Power Act.

§§ 205.301 through 205.309 [Removed and Reserved]

3. Remove and reserve §§ 205.301 through 205.309.

[FR Doc. 2026-12475 Filed: 6/18/2026 8:45 am; Publication Date: 6/22/2026]