effluent limitations must reflect the permitting authority's determination of the maximum warranted reduction in pollutant discharges after consideration of factors relevant for determining the best available technology at each facility.

(A) To determine the site-specific BAT effluent limitations, the permitting authority shall consider:

(1) the annual leachate monitoring report and data collected under § 423.19(k);

(2) groundwater monitoring, corrective action, closure plans, and reports conducted under the Coal Combustion Residuals Disposal Regulations at 40 CFR part 257 subpart D including the magnitude of residual contaminant mass, if any, that may remain in groundwater following implementation of a required remedy;

(3) other readily available groundwater monitoring data upstream and downstream of each impoundment or landfill owned or operated by the facility, including the relevant state's department of water quality monitoring data and characterization of background groundwater quality that has not been affected by leakage from a disposal of Coal Combustion Residuals unit as defined in 40 CFR 257.53;

(4) results of any modeling of leachate fate and transport conducted for the facility; and,

(5) whether the facility is already complying with the numeric limitations for mercury and arsenic for unmanaged combustion residual leachate where that leachate has been captured and pumped to the surface for discharge directly to a waters of the United States.

(6) The permitting authority may consider impacts of site-specific BAT effluent limitations that result in unacceptable changes in local energy demand, energy costs to consumers, solid waste generation, air pollution, and fuel consumption.

(7) The permitting authority may consider pending must-run orders that a utility remain in operation longer than planned.

(B) The permitting authority must provide a written explanation of the site-specific best available technology determination in the fact sheet or statement of basis for the draft permit under 40 CFR 124.7 or 124.8. The written explanation must describe why the permitting authority has rejected any technologies or measures that perform better than the selected technologies or measures.

(C) The site-specific best available technology put forth in the fact sheet or statement of basis may include consideration of any additional information deemed appropriate by the permitting authority including the statutory factors listed in the Clean Water Act section 304(b). The weight given to each factor is within the permitting authority's discretion based upon the circumstances of each facility.

(D) The permitting authority may require additional information or monitoring from the permit applicant to support the site-specific determination of best available technology, including an inspection.

(E) Prior to any permit reissuance after December 31, 2031, the permitting authority must review the monitoring results and other performance measures of the facility to determine whether it continues to meet the requirements of paragraphs (l)(1) and (2) of this section.

* * * * *

(3) *Facilities permanently ceasing combustion of coal.*

(i) Paragraphs (l)(1) and (2) of this section do not apply to *combustion residual leachate* generated by electric generating units at facilities that meet the applicability at § 423.10(a) as of July 8, 2024, but where the facility has permanently ceased generation of electricity from a process utilizing fossil type fuel. Instead, BAT effluent limitations for *combustion residual leachate* shall be established by the permitting authority on a case-by-case basis using best professional judgment.

(ii) Paragraphs (l)(1) and (2) of this section do not apply to *combustion residual leachate* generated by a *closed coal combustion residual waste management unit* as defined at § 423.11(gg). Instead, BAT effluent limitations for *combustion residual leachate* shall be established by the permitting authority on a case-by-case basis using best professional judgment.

* * * * *

[FR Doc. 2026–09895 Filed 5–15–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 384

[Docket No. FMCSA–2025–0099]

RIN 2126–AC78

Fees for Commercial Driver's License Information System

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FMCSA proposes to implement a user fee as authorized by Congress in the ''Strengthening the Commercial Driver's License Information System Act'' applicable to State driver licensing agencies (SDLAs) for accessing the Commercial Driver's License Information System (CDLIS). The fees would be collected by the American Association of Motor Vehicle Administrators (AAMVA), the organization that represents the State agencies responsible for complying with the Federal regulations concerning the commercial driver's license (CDL) program. AAMVA operates and maintains CDLIS on behalf of FMCSA.

DATES: Comments must be received on or before June 17, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0099 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2025-0099/document.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W58–213, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.
- *Fax:* (202) 493–2251.

FOR FURTHER INFORMATION CONTACT: Patrick D. Nemons, Director, Office of Safety Programs, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; (202) 385–2400; *patrick.nemons@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION: FMCSA organizes this NPRM as follows:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2025–0099), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2025-0099/document,* click on this NPRM, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI.Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0099/document* and choose the document to review. To view comments, click this NPRM, then click ''Document Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in room W58–213 of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its regulatory process better. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

II. Abbreviations

AAMVA American Association of Motor Vehicle Administrators
ANPRM Advance notice of proposed rulemaking
CE Categorical Exclusion
CDL Commercial driver's license
CDLIS Commercial Driver's License Information System
CFR Code of Federal Regulations
CMV Commercial motor vehicle
DOT Department of Transportation
E.O. Executive Order
FMCSA Federal Motor Carrier Safety Administration
FR Federal Register
MPR Master Pointer Record
NPRM Notice of proposed rulemaking
PIA Privacy Impact Analysis
PTA Privacy Threshold Analysis
SDLA State driver licensing agency
SOI State of Inquiry
SORN System of records notice
SOR State of Record
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

III. Legal Basis

Congress authorized this action when it amended 49 U.S.C. 31309 in December 2024, through passage of the ''Strengthening the Commercial Driver's License Information System Act'' (Pub. L. 118–156, section 2(a), Dec. 17, 2024, 138 Stat. 1716). This Act clarified that the Secretary of Transportation (the Secretary) or a qualified entity could operate CDLIS, and also expressly authorized the collection and use of a fee either by the Secretary or the authorized operator for ''operating, maintaining, developing, modernizing, or enhancing, or any other use relating to, the information system, including for personnel and administration costs relating to the information system,'' (Pub. L. 118–156, section 2(a)(6), codified at 49 U.S.C. 31309(e)(3)(B)). Congress did not set the fee; rather, the revised statute states that ''The total amount of fees collected under this subsection shall equal, as nearly as possible, the total amount necessary for the purposes and uses described in paragraph (3)(B),'' (Pub. L. 118–156, section 2(a)(6), codified at section 31309(e)(2)).

The Secretary delegated authority to the FMCSA Administrator to implement chapter 313 of title 49 relating to commercial motor vehicle (CMV) operators in 49 CFR 1.87(e)(1).

IV. Background

CDLIS is a nationwide computer system that enables SDLAs to ensure each CDL holder has only one driver's license and one complete driver record.[1] SDLAs use CDLIS to complete CDL procedures, such as transmitting out-of-state convictions and withdrawals, transferring the driver record when a CDL holder moves to another State, and responding to requests for driver status and history.

CDLIS was established pursuant to the Commercial Motor Vehicle Safety Act of 1986 and FMCSA has promulgated regulations governing the CDLIS in 49 CFR parts 383 and 384. These regulations aim to ensure that only safe and qualified drivers operate CMVs, as defined in 49 U.S.C. 31301and the implementing regulations under 49 CFR part 383.

After CDLIS was operational in the early 1990s, the Federal Highway

[1] Under 49 CFR 383.21, ''no person who operates a commercial motor vehicle shall at any time have more than one driver's license.''

Administration (and later FMCSA) allowed AAMVA, who operates CDLIS, to collect user fees to operate and maintain the system. Regulations implementing the CDLIS statutory framework (49 U.S.C. 31309) were first promulgated in 1994, (59 FR 26029) and the statute provided the Secretary with discretion to establish a fee for using ''the system'' (*i.e.,* CDLIS) and required all collected fees to be deposited into the Highway Trust Fund. In 2004, the Government Accountability Office issued a fiscal law opinion providing guidance that would have required FMCSA, under the codified statutory language, to deposit any fees collected into the Highway Trust Fund.[2] However, under SAFETEA–LU, enacted in fiscal year 2005, Congress authorized CDLIS Modernization Grants for fiscal years 2006 to 2009, which provided FMCSA the ability, under then OMB Circular A–110 [3] to allow AAMVA, on FMCSA's behalf, to collect CDLIS user fees as ''program income'' during the periods of performance of the four CDLIS Modernization Grants awarded to AAMVA.[4] ''Program income'' included income earned ''during the project period,'' *i.e.,* the period of performance of the CDLIS Modernization Grants.[5]

Congress has not authorized any new grants that would have allowed AAMVA to continue collecting program income to maintain CDLIS. Subsequent to the final CDLIS modernization grant ending, FMCSA directed AAMVA to terminate collecting program income on October 1, 2023. Currently, AAMVA is using previously collected program income to operate CDLIS, as well as funds provided by FMCSA through grants and contract support. However, once AAMVA depletes their previously collected funds, all funding would need to be provided by the Federal Government unless user fees can be implemented. FMCSA directs readers to the AAMVA memo to FMCSA that is dated June 18, 2025, which is available in the docket for this rulemaking, and which includes estimates on the costs for operating CDLIS.

In December 2024, Congress amended 49 U.S.C. 31309 in several ways. First, Congress expressly authorized the Secretary to permit a qualified entity to operate CDLIS. Congress also specifically allowed for the collection and use of a fee either by the Secretary or the authorized operator for the ''operating, maintaining, developing, modernizing, or enhancing, or any other use relating to, the information system, including for personnel and administration costs relating to the information system,'' (Pub. L. 118–156, section 2(a)(6), codified at 49 U.S.C. 31309(e)(3)(B)). Congress did not set the fee; rather, the revised statute states that ''[t]he total amount of fees collected under this subsection shall equal, as nearly as possible, the total amount necessary for the purposes and uses described in paragraph (3)(B),'' (Pub. L. 118–156, section 2(a)(6), codified at section 31309(e)(2)).

V. Discussion of Proposed Rulemaking

CDLIS consists of a central site and nodes for all 51 SDLAs (50 States and the District of Columbia), interconnected on AAMVA's proprietary, secure network. The central site stores identification data about each commercial driver registered in the jurisdictions, such as: name, date of birth, last five digits of the Social Security number, State driver's license number and ''also known as'' information (*i.e.,* former/previous names), and/or previous State driver's license numbers. The information at the central site constitutes a driver's unique CDLIS Master Pointer Record (MPR). The jurisdiction nodes store the driver history records, which include driver identification information, license information, history of convictions, and history of withdrawals for each commercial driver licensed by the particular State.

When a jurisdiction, such as an SDLA, queries the CDLIS Central Site to obtain information about an applicant prior to issuing a CDL, the CDLIS Central Site compares data provided by the State of Inquiry (SOI) against all MPRs at the central site. If one or more matches are returned, then the CDLIS Central Site ''points'' the SOI to the State of Record (SOR), where more detailed information about the driver's commercial driving history is found. When a jurisdiction convicts or withdraws an out-of-state commercial driver who holds a CDL, the State of Conviction or State of Withdrawal transmits the relevant conviction or withdrawal information to the driver's SOR through the CDLIS Central Site, using the MPR.

In the past, AAMVA used a combination of fees to offset the costs of operating the system. CDLIS maintenance fees were used to cover the cost of the central site support and maintenance, leased line services and support, Network Control Software, the AAMVA help desk, AAMVA's CDLIS development and testing, and AAMVA's CDLIS staff and contractors. AAMVA's CDLIS maintenance fee, when last charged to each State, was $0.33 for each MPR record on CDLIS owned by the particular State. Each State was charged monthly, paying 1/12 of the annual fee (with the annual fee being recalculated for each monthly billing cycle).

In addition to the maintenance fees, AAMVA charged transaction fees. When States, the Federal Government, or third parties (such as motor carrier employers) queried CDLIS, they were charged a fee to cover the operations cost of that transaction. These fees varied depending upon how many transactions were made per month, such that entities with a higher volume of queries fell into a higher ''tier'' and were charged a lower per-transaction fee. FMCSA paid the fees for Federal, State, and local law enforcement transactions, through a combination of grants and contracts. Moving forward, FMCSA would not continue to pay these transaction fees, as the 2024 statute explicitly states that DOT (and by extension FMCSA) may not be charged a fee for access to, use of, or data in the CDLIS.

Transaction fees for States and the Federal Government would be rolled into the proposed user fee. However, the transaction fees for third-party users would be paid by those third parties. Because they are not required to use CDLIS, those user fees need not be set via rulemaking. Thus, AAMVA estimated the percentage of transactions attributable to third parties based on historical CDLIS usage data and considered those transactions when estimating the fee to be charged to States. AAMVA expects to incur annual CDLIS-related costs of approximately

[2] ''SBA's Imposition of Oversight Review Fees on PLP Lenders,'' B–300248 (2004), available at *https://www.gao.gov/products/b-300248*. Though the opinion was focused on the Small Business Administration, the guidance was applicable to other Executive Branch Agencies.

[3] OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (Oct. 8, 1999), available at: *https://www.govinfo.gov/content/pkg/FR-1999-10-08/pdf/99-OMB*. Circular A–110 has since been superseded by 2 CFR part 200.

[4] Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109–59, sec. 4123, 119 Stat. 1144 (Aug. 10, 2005).

[5] OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (Oct. 8, 1999), available at: *https://www.govinfo.gov/content/pkg/FR-1999-10-08/pdf/99-26264.pdf*. FMCSA was not relying on 49 U.S.C. 31309, but rather SAFETEA–LU and program income, to allow AAMVA to charge fees. The DOT Office of Inspector General audited this practice and supported FMCSA's approach at the time–that the fees collected under the grants were to be considered ''program income.'' ''Use of Income Derived from the Commercial Driver's License Information System or Modernization,'' Report No. MH–2008–059 (July 10, 2008), available at *https://www.oig.dot.gov/sites/default/files/00CDLIS_Final_7-30-2009.pdf*.

$10.9 million per year and anticipates that fees from States will recover approximately $9.6 million per year. The remainder will be recovered from fees assessed to third parties. This NPRM proposes the user fee to be charged to each State as a percent rate of the total number of MPRs owned by each State. As explained in the fee analysis later in this preamble, this proposed MPR fee has been calculated to recover, as closely as possible, all costs associated with CDLIS, including ''operating, maintaining, developing, modernizing, or enhancing, or any other use relating to, the information system, including for personnel and administration costs relating to the information system,'' [6] less the expected income from fees assessed to third parties. The proposed fee of $0.52 annually (or approximately $0.043 per month) is higher than the last charged fee. FMCSA would oversee the amount of fees collected from the States and third parties to ensure that the total fees collected by AAMVA are solely used for the benefit of CDLIS and to determine whether, at any point, another rulemaking will be necessary to adjust the fees to match the costs associated with CDLIS.

FMCSA used information provided by AAMVA to calculate the proposed user fee. This analysis can be found in the ''Regulatory Analysis'' section of this NPRM and the information provided by AAMVA is available in the docket for this rulemaking. As a result of this analysis, this NPRM proposes that for an initial period of 6 months, AAMVA would charge States a user fee calculated using the same rate used when user fees were last charged in 2024, namely $0.33 per MPR. During this time, FMCSA would continue to supplement the user fees under the terms of its contract with AAMVA. This contract runs from August 1, 2025, with an option for FMCSA to renew for a full year on August 1, 2026, and additional three-month options beginning on August 1, 2027, and continuing through to a final three-month option on May 1, 2028. This dual payment system would only be in place long enough to allow AAMVA to accumulate a portion of their annual costs to operate, maintain, develop, modernize, and enhance CDLIS up to $5.45 million. FMCSA is proposing to allow AAMVA to collect this emergency fund in order to ensure there is no lapse in funding should an unexpected expense occur. After this initial period, once FMCSA's contract support is over, AAMVA would charge the States an annual user fee of $0.52 per MPR, unless and until a different fee is established via a later rulemaking. As in the past, AAMVA intends to invoice the States monthly, with each monthly fee calculated as 1/12 of the annual fee (or roughly $0.043 per MPR).

FMCSA seeks to establish the user fee expeditiously to lessen FMCSA's required financial assistance to CDLIS (under the contract referenced above) and to implement fully Congress's 2024 modifications to the statutory requirements of the CDLIS. As such, the potential effective dates included in this proposal align with FMCSA's option periods during the last year of its CDLIS support contract with AAMVA. FMCSA intends to include as the effective date the earliest option period available when it issues a final rule, so long as that date will provide States with enough time to prepare for the expense.

FMCSA seeks input on this proposed fee structure. When you respond, please include the number of the question and the reasoning for your response.

1. Since States have not paid CDLIS fees since 2024, FMCSA seeks information on how quickly the States could resume paying fees, either at the previous 2024 rate of $0.33 per MPR or the new proposed rate of $0.52 per MPR.

2. Should FMCSA align the implementation dates with the Federal fiscal year? Which State fiscal years align with the Federal fiscal year, which runs from October through September? Would it be a hardship for States if the CDLIS fee changed in the middle of their fiscal year?

3. Based on the information provided by AAMVA, available in the docket and summarized in this rulemaking, would interested parties benefit from additional detail regarding the administration of CDLIS and its costs in order to provide more effective comments on the proposed fees? If so, what additional information would be beneficial?

VI. Section-By-Section Analysis

This section-by-section analysis describes the proposed changes in numerical order. This NPRM proposes the addition of a new section 384.237, which would establish the user fees to be paid by States required to use CDLIS under the provisions in that part.

Paragraph (a) would set the fee, based on the number of master pointer records attributed to each State in CDLIS. Paragraph (a)(1) would propose a lower fee for an initial 6-month period; paragraph (a)(2) would set the fee for the period after the initial period defined in paragraph (a)(1). Paragraph (b) would explicitly allow for the fee in paragraph (a) to include, as part of its calculation, the collection of fees to be used toward information technology development and modernization.

VII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Rulemaking Procedures

FMCSA has considered the impact of this NPRM under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Rulemaking Procedures, 49 CFR part 5, subpart B. The Office of Management and Budget (OMB) determined that this NPRM is not a significant regulatory action under section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

This NPRM proposes user fees for States required to use CDLIS in 49 CFR part 384. User fees are not considered costs but rather are transfers per OMB guidance on E.O. 12866.[7] There are no other costs associated with this NPRM.

In order to develop the appropriate user fees to be included in the NPRM, FMCSA reviewed information, provided by AAMVA, detailing the costs of operating and maintaining CDLIS, to include future modernization of the system, which is available in the docket for this rulemaking. FMCSA also took into consideration the fees previously charged by AAMVA. What follows is a summary of the fee assessment.

Historically, AAMVA charged States between $0.33 and $1.00 per MPR, as they worked to determine the appropriate fee amount for cost recovery. The costs of building and maintaining CDLIS have changed over the years, as has the percentage of costs covered by the States. In addition, the statute now allows for the collection of fees to cover modernization, which was not included in prior fees. Based on the count of MPRs per State in January of 2025, the monthly fee would range from $571 (DC) to $73,392 (CA and TX). Table 1 provides a complete list of the distribution of CDLIS fees by State, based on 2025 MPR counts. The following summary discusses current costs and MPR data used to develop the $0.52 per MPR fee included in this NPRM.

[6] 49 U.S.C. 31309(e)(3)(B).

[7] Circular A–4, Regulatory Analysis (68 FR 58366, Oct 9, 2003).

TABLE 1—DISTRIBUTION OF CDLIS FEE BY STATE, AS OF JANUARY 2025

State	CDLIS MPRs	Monthly fee	Percent of total	State	CDLIS MPRs	Monthly fee	Percent of total	State	CDLIS MPRs	Monthly fee	Percent of total
AK	64,177	$2,801	0.4	KY	225,234	$9,829	1.3	NY	963,752	$42,058	5.6
AL	238,063	10,389	1.4	LA	284,020	12,395	1.7	OH	809,948	35,346	4.7
AR	251,466	10,974	1.5	MA	298,748	13,037	1.7	OK	237,688	10,373	1.4
AZ	402,167	17,550	2.3	MD	206,170	8,997	1.2	OR	222,900	9,727	1.3
CA	1,681,772	73,392	9.8	ME	78,537	3,427	0.5	PA	736,421	32,137	4.3
CO	325,273	14,195	1.9	MI	370,209	16,156	2.2	RI	27,595	1,204	0.2
CT	109,900	4,796	0.6	MN	316,902	13,830	1.8	SC	301,438	13,155	1.8
DC	13,088	571	0.1	MO	436,642	19,055	2.5	SD	87,430	3,815	0.5
DE	68,385	2,984	0.4	MS	191,343	8,350	1.1	TN	298,714	13,036	1.7
FL	1,088,315	47,494	6.3	MT	87,576	3,822	0.5	TX	1,678,054	73,230	9.8
GA	480,740	20,979	2.8	NC	772,448	33,709	4.5	UT	183,551	8,010	1.1
HI	39,952	1,743	0.2	ND	71,094	3,103	0.4	VA	432,138	18,858	2.5
IA	224,881	9,814	1.3	NE	114,804	5,010	0.7	VT	36,839	1,608	0.2
ID	147,510	6,437	0.9	NH	44,512	1,942	0.3	WA	317,972	13,876	1.9
IL	426,735	18,623	2.5	NJ	434,339	18,954	2.5	WI	320,935	14,006	1.9
IN	371,391	16,207	2.2	NM	125,235	5,465	0.7	WV	85,017	3,710	0.5
KS	199,789	8,719	1.2	NV	147,285	6,427	0.9	WY	70,930	3,095	0.4

AAMVA incurs annual CDLIS-related costs of approximately $10.9 million per year and anticipates that fees from States will recover approximately $9.6 million per year. The remainder will be recovered from fees assessed to third parties, which are not handled via rulemaking. The annual costs for CDLIS include operations and maintenance (65 percent), administration (6 percent), and development and modernization (29 percent). Because these costs include an allowance for development and modernization, it is likely that they will accumulate over time, and then be spent down during future updates or modernizations. In the meantime, AAMVA has requested that it be allowed to accumulate a reserve fund for emergencies quickly, roughly equal to six months of its annual costs, which would equal $5.45 million (half of $10.9 million per year).

FMCSA calculates the $0.52 per MPR fee by dividing the $9,604,767 in State-covered costs by the 18,340,985 individual MPRs in CDLIS. AAMVA intends to invoice the States monthly, and the annual fee is therefore divided by 12 to estimate a monthly fee of 1/12 the annual fee, which roughly amounts to $0.043 per MPR. FMCSA would exercise oversight of AAMVA's implementation of the user fee and would review the fee and associated inputs on a regular basis to determine if the fee should be adjusted by another rulemaking.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation, was issued on January 31, 2025 (90 FR 9065, Jan. 31, 2025). E.O. 14192 requires that, for every one new regulation issued by an Agency, at least ten prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process. OMB issued final implementation guidance addressing the requirements of E.O. 14192 on March 26, 2025.[8]

This rulemaking would establish a user fee, which is not considered a cost. Therefore, this rulemaking would qualify as neither an E.O. 14192 regulatory or deregulatory action and would not require any offsetting regulatory actions.

C. Advance Notice of Proposed Rulemaking

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or proceed with a negotiated rulemaking if a proposed safety rule ''under this part'' [9] is likely to lead to the promulgation of a major rule.[10] As this rulemaking is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[11] requires Federal agencies to consider the effects of the regulatory action on small businesses and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities and mandates that agencies strive to lessen any adverse effects on these businesses.

This NPRM would impact States, which do not qualify as small entities. Consequently, I certify that the proposed action would not have a significant economic impact on a substantial number of small entities.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the rulemaking would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's

[8] M–25–20 Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation.''

[9] Part B of Subtitle VI of Title 49, U.S.C., *i.e.,* 49 U.S.C. chapters 311–317.

[10] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 804(2)).

[11] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small businesses. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Though this rulemaking would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rulemaking elsewhere in this preamble.

G. Paperwork Reduction Act

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''substantial direct effects 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.''

FMCSA analyzed this proposed rule and determined that it has implications for federalism. A summary of the impact of federalism on this rule follows.

Under this rulemaking, States will be required to pay user fees to use CDLIS, a system they are required to use under 49 CFR parts 383 and 384. This represents a direct effect on the States, as well as a direct cost of compliance. As a result, FMCSA contacted the following organizations and offered to engage in federalism consultations with representatives from the States: AAMVA, the Commercial Vehicle Safety Alliance, the National Governors Association, and the National Conference of State Legislatures. Copies of these letters can be found in the docket for this rulemaking. FMCSA did not receive request(s) for consultation on the proposals. As such, FMCSA has determined that no further federalism analysis is warranted at this time.

I. Privacy

The Consolidated Appropriations Act, 2005 [12] requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This NPRM would not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program. The Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA has been submitted to FMCSA's Privacy Officer for review and preliminary adjudication and will be submitted to DOT's Privacy Officer for review and final adjudication.

In addition, The E-Government Act of 2002,[13] requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. This rulemaking would not impact technology that collects, maintains, or disseminates information.

J. E.O. 13175 (Indian Tribal Governments)

This rulemaking does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian Tribe, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

K. National Environmental Policy Act of 1969

FMCSA analyzed this proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,[14] Subpart B, subsection e, paragraphs (6)(d), (6)(s), and (6)(t). The categorical exclusions (CEs) in these paragraphs cover regulations concerning the following topics:

(6)(d): the training, qualifying, licensing, certifying, and managing of personnel;

(6)(s): the reduction or prevention of truck and bus accidents, fatalities, and injuries by requiring drivers to have a single commercial motor vehicle driver's license; and

(6)(t): ensuring that States comply with the provisions of the Commercial Motor Vehicle Safety Act of 1986 by . . . (2) having the appropriate laws, regulations, programs, policies, procedures and information systems concerning the qualification and licensing of persons who apply for a commercial driver's license, and persons who are issued a commercial driver's license.

The proposed fee schedule for States querying CDLIS is covered by these CEs, as the CDLIS queries are made in the course of licensing CMV drivers.

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found in the Abstract section of the Department's Unified Agenda entry for this rulemaking at *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=2126-AC78.*

List of Subjects in 49 CFR Part 384

Administrative practice and procedure, Alcohol abuse, Drug abuse, Highway safety, Motor carriers.

Accordingly, FMCSA proposes to revise 49 CFR chapter III, part 384 to read as follows:

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

■ 1. The authority citation for part 384 continues to read as follows:

Authority: 49 U.S.C. 31136, 31301, *et seq.,* and 31502; secs. 103 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1753, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; sec. 5524 of Pub. L. 114–94, 129 Stat. 1312, 1560; and 49 CFR 1.87.

■ 2. Part 384 is amended by adding a new section 384.237 to read as follows:

[12] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 8, 2004).

[13] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

[14] Available at *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

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§ 384.237 Commercial Driver's License Information System User Fees.

(a) States must pay a user fee to the authorized operator of the Commercial Driver's License Information System (CDLIS), to be calculated according to the number of master pointer records (MPR) associated with each State in CDLIS each month.

(1) Beginning August 1, 2027, the annual fee will be $0.33 per MPR.

(2) Beginning February 1, 2028, the annual fee will be $0.52 per MPR.

(b) The calculation of the fee in paragraph (a) may include costs for operating, maintaining, developing, modernizing, enhancing, or any other use relating to, CDLIS, including for personnel and administration costs relating to the information system.

Issued under authority delegated in 49 CFR 1.87.

Derek D. Barrs,

Administrator.

[FR Doc. 2026–09943 Filed 5–15–26; 8:45 am]

BILLING CODE 4910–EX–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1104

[Docket No. EP 790]

Review of Replies to Replies

AGENCY: Surface Transportation Board.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Board's regulations pertaining to the filing of pleadings prohibit the filing of a reply to a reply. The Board is considering whether to modify its regulations or practices to allow replies to replies (and if so, to what extent) and seeks comments on how the Board's regulations on such filings would best promote fairness, efficiency, and predictability for all parties that appear in proceedings before the Board.

DATES: Comments are due by June 17, 2026.

ADDRESSES: Comments may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, Attn: Docket No. EP 790, 395 E Street SW, Washington, DC 20423–0001. Comments will also be posted to the Board's website.

FOR FURTHER INFORMATION CONTACT: Sarah Fancher at (202) 740–5507. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In May 2025, as part of ongoing, comprehensive agency reform efforts, Vice Chairman Schultz and Board staff held a series of listening sessions with legal practitioners to discuss their experiences before the Board. Press Release, STB, STB Gathers More than 100 Ideas from Practitioners to Streamline Board Processes, (June 10, 2025), *https://www.stb.gov/news-communications/latest-news/pr-25-22/.* The sessions were an opportunity for practitioners to offer ideas on possible improvements to the agency's processes and procedures affecting litigants and parties appearing before the agency. Dozens of attorneys participated and offered numerous ideas for process improvements. Many practitioners raised the Board's practice regarding the treatment of replies to replies and indicated a desire for a more consistent approach to such filings.

While the Board's regulations generally prohibit the filing of a reply to a reply, 49 CFR 1104.13,[1] historically the Board often has accepted them in individual cases in the interest of a complete record, *see, e.g., City of Alexandria, Va.—Pet. for Declaratory Ord.,* FD 35157, slip op. at 2 (STB served Nov. 6, 2008). Recently, however, the Board has indicated that ''the benefits from the orderly and efficient administration of cases, including reducing burden on the public and agency, justify enforcing this rule more strictly.'' *See Sunflower State Indus. Ry.—Pet. for Declaratory Ord.,* FD 36714 (Sub-No. 1), slip op. at 2 n.3 (STB served Mar. 28, 2025).

Public input would assist the Board in assessing whether to modify its replies to replies (hereafter, rebuttals) regulations and/or practices or to leave the regulation unchanged. A review of federal court and other agency practices reveals various approaches to rebuttals, ranging from a strict prohibition to allowing rebuttals as of right in all motion practice.[2] The Board recognizes that there are advantages and disadvantages to both approaches and that the optimal approach may fall somewhere between or depend on the type of proceeding. On the one hand, allowing rebuttals would ensure that the moving party or the party with the burden of proof has ''the last word,'' which may promote fairness. In addition, arguments may be crystalized and ambiguities clarified in rebuttals, which could lead to better-informed Board decisions. On the other hand, rebuttals might be used inappropriately to introduce new evidence or argument that was not, but could have been, included with the proponent's opening pleadings, creating unfair surprise for litigants. Further, prohibiting rebuttals may promote efficiency by bringing the record to a close sooner and encouraging parties to include all relevant evidence and argument in their initial pleadings.

The Board seeks comments to assist it in deciding whether to develop modified regulations or practices regarding rebuttals or to leave the regulation unchanged. The Board is particularly interested in the following options:

- *Leave 49 CFR 1104.13 unchanged.* Should the Board keep its current regulation that does not allow for rebuttals? If the Board were to leave the current prohibition in place, under what standard should it consider requests for leave to file a rebuttal? Should the Board more strictly enforce its current prohibition on rebuttals?
- *Amend 49 CFR 1104.13 to allow for rebuttal.* Should the Board amend its regulation to allow rebuttal in all circumstances, or should rebuttal be limited to certain types of matters and/or motions? If the latter, in what situations should rebuttals be permitted? If a rebuttal is not allowed as of right in a particular matter or motion, under what standard should the Board consider a request to file a rebuttal?
- *Limits to rebuttal pleadings.* If the Board were to amend its regulation to allow rebuttals, should the Board limit the content of rebuttals, *e.g.,* to address matters raised on reply? What would be an appropriate deadline for a rebuttal and should a deadline vary depending on the type of motion and/or proceeding at issue? Should the Board impose other limits on rebuttals, *e.g.,* word count limits? Should the Board prohibit any subsequent filings (*i.e.,* surrebuttals), barring exceptional circumstances?
- *Other motions practice.* Should the Board amend its regulations to include a meet-and-confer requirement for some or all motions practice before the Board, *e.g.,* for procedural motions in matters with a limited number of parties?

Commenters are not limited to addressing these questions but may offer other input on treatment of rebuttals and related motion practice issues. The

[1] The Board's regulations allow for replies to replies in certain proceedings, such as rate cases. *See, e.g.,* 49 CFR 1111.9(a)(7) (allowing for rebuttal evidence in rate cases).

[2] *See, e.g.,* N.D. Ga. Civ. R. 7.1(c) (allowing for replies to a responsive pleading within 14 days); D. Mass. R. 7.1(b)(3) (requiring leave of court to file a reply to an opposition filing); W.D. Mich. Civ. R. 7.2(c) (allowing for replies to a responsive brief that opposes a dispositive motion within 14 days); *id.* at 7.3(c) (prohibiting replies to a responsive brief that opposes a non-dispositive motion without leave of court); 47 CFR 1.45 (allowing a reply to an opposition filing filed with the Federal Communications Commission within five days).