

as gross income and wages for the year in which the benefits were provided, reducing the benefits provided to the HCEs to a collective \$77,000 in benefits provided to 11 HCEs, reducing the average benefit to HCEs to \$7,000 (\$77,000/11). Accordingly, the average benefits provided to the NHCEs is 55.1 percent of the average benefits provided to the HCEs (\$3,857.14/\$7,000), and the required threshold of 55 percent under section 129(d)(8) and paragraph (d)(1) of this section is satisfied.

(5) *Example 5.* The facts are the same as in paragraph (k)(1) of this section (*Example 1*) except that the 11 NHCEs to whom benefits are not provided are not eligible to elect benefits under the terms of the plan. The 11 excluded NHCEs are not excluded employees within the meaning of section 129(d)(9) and paragraph (f) of this section. The plan has discriminated in favor of HCEs as to eligibility and thus does not satisfy the requirements of section 129(d)(3) and paragraph (b) of this section.

(l) *Applicability date.* This section applies to plan years beginning on or after the date of publication of the final rule in the **Federal Register**.

Frank J. Bisignano,
Chief Executive Officer.

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DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 334

[COE-2026-0067]

Restricted Area: Naval Weapons Station Seal Beach

AGENCY: United States Army Corps of Engineers, Department of Defense.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is proposing to revise the existing regulations for a restricted area within Naval Weapons Station Seal Beach (NWSSB). The Department of the Navy requested amendment of a restricted area located within NWSSB, in the City of Seal Beach, Orange County, California (33.7334 Latitude/ -118.0953 Longitude). NWSSB is the primary West Coast installation for the supply of munitions to U.S. Navy vessels. Following an extensive project to reconfigure Anaheim Bay, including the creation of a new ammunition pier and the relocation of a public boating

channel, the Department of the Navy requested the Corps modify the existing restricted area regulations to protect the public from navigational and operational hazards, and to protect government assets, missions, and the base population in general.

DATES: Written comments must be submitted on or before September 10, 2026.

ADDRESSES: You may submit comments, identified by docket number COE-2026-0067, by any of the following methods:

Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

Email: linda.speerstra@usace.army.mil. Include the docket number, COE-2026-0067, in the subject line of the message.

Mail: U.S. Army Corps of Engineers, Attn: CECW-CO-R (Linda Speerstra), 441 G Street NW, Washington, DC 20314-1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Direct your comments to docket number COE-2026-0067. All comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the commenter indicates that the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI, or otherwise protected, through [regulations.gov](https://www.regulations.gov) email. The [regulations.gov](https://www.regulations.gov) website is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through [regulations.gov](https://www.regulations.gov), your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, we recommend that you include your name and other contact information in the body of your comment. If we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov. All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Speerstra, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202-945-2101 or Gerardo Salas, Corps of Engineers, Los Angeles District Regulatory Branch at 213-321-0786.

SUPPLEMENTARY INFORMATION: In response to a request from the Department of the Navy, and pursuant to its authorities in section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps is proposing to amend its regulations at 33 CFR 334.930 by revising the restricted area boundaries and the associated regulations for NWSSB to reflect current site conditions and operational needs.

Procedural Requirements

a. Review Under Executive Orders 12866 and 13563, this proposed rule has not been designated a “significant regulatory action”. If issued, it would be with respect to a military function of the Department of Defense therefore, Executive Order 12866 and 13563 do not apply.

b. Regulatory Flexibility Act, as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.* This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (*i.e.*, small businesses and small governments). The restricted area is necessary to protect public safety. Unless information is obtained to the contrary during the comment period, the Corps certifies that the proposed rule would have no significant economic impact on the public.

c. Review Under the National Environmental Policy Act. Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not

have a significant impact on the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments that have been received will be considered.

d. Unfunded Mandates Reform Act of 1995. This proposed rule does not impose an enforceable duty among the private sector nor State, local, and Tribal governments and, therefore, it is not a Federal private sector mandate, nor a State, local, or Tribal government mandate, and it is not subject to the requirements of either section 202 or section 205 of Public Law 104–4 (Unfunded Mandates Reform Act of 1995). We have also found that under section 203 of the Act, small governments will not be significantly and uniquely affected by this rulemaking.

e. Congressional Review Act. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. This proposed rule is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 33 CFR Part 334

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set forth in the preamble, the United States Army Corps of Engineers is proposing to amend 33 CFR part 334 as set forth below:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

- 1. The authority citation for part 334 continues to read as follows:
Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).
- 2. Revise § 334.930 to read as follows:

§ 334.930 Anaheim Bay Harbor, California, Naval Weapons Station, Seal Beach; restricted area.

(a) *The restricted area.* The waters of Anaheim Bay Harbor between the east and west jetties at the United States Naval Weapons Station, Seal Beach, California, and the contiguous inner basin. The restricted area is divided into two sub-areas:

(1) *The Navy Operational Area.* Consisting of the entire inner basin, and a majority of the outer harbor with the exception of the southeastern-most section and returning to Point A as shown in table 1:

TABLE 1 TO PARAGRAPH (a)(1)

	Latitude	Longitude
Point A	33°43'39" N	118°06'07" W.
Point B	33°44'02" N	118°06'04" W.
Point C	33°44'18" N	118°05'47" W.
Point D	33°44'06" N	118°05'24" W.
Point E	33°44'09" N	118°05'22" W.
Point F	33°44'07" N	118°05'18" W.
Point G	33°43'60" N	118°05'16" W.
Point H	33°43'50" N	118°05'34" W.

(2) *The public navigation channel.* The designated public navigation channel within the southeastern portion

of Anaheim Bay, starting at the mouth of the outer harbor and running northeast, adjacent to the East Jetty, as

far north as the Anaheim Bay Bridge and returning to Point A as shown in table 2:

TABLE 2 TO PARAGRAPH (a)(2)

	Latitude	Longitude
Point A	33°43'39" N	118°06'07" W.
Point H	33°43'50" N	118°05'34" W.
Point G	33°43'60" N	118°05'16" W.
Point I	33°43'56" N	118°05'13" W.
Point J	33°43'56" N	118°05'07" W.
Point K	33°43'53" N	118°05'06" W.
Point L	33°43'52" N	118°05'11" W.
Point M	33°43'54" N	118°05'20" W.
Point N	33°43'45" N	118°05'35" W.
Point O	33°43'36" N	118°06'01" W.

(b) *The regulation—*(1) *The Navy Operational Area.* No persons, vessels, watercraft, or other floating devices shall enter, occupy, transit through, or conduct any activities within the Navy Operational Area unless authorized by the Navy.

(2) *The public navigation channel.* Unless otherwise approved by the Commanding Officer, Naval Weapons

Station Seal Beach, civilian craft are only authorized to transit through Anaheim Bay within the limits of the marked public navigation channel adjacent to the East Jetty.

(i) The authority of the Naval Weapons Station Commanding Officer in this area extends to restricting and disallowing the navigating of craft during such times as the Commanding

Officer determines that considerations of national security or safety warrant such action(s). All persons and all vessels, watercraft, or other devices shall promptly vacate the areas when ordered to do so by the U.S. Navy, U.S. Coast Guard, or local law enforcement.

(ii) Vessels under sail, hand-powered watercraft, recreational swimming or any other activities involving persons in

the water are prohibited within the designated public navigation channel.

(iii) Anchoring or stopping within the designated public navigation channel is prohibited without prior approval by the Commanding Officer, Naval Weapons Station Seal Beach.

(iv) Boats unable to throttle down or to maintain steerage way at 5 miles per hour speed shall proceed at the minimum speed consistent with safe navigation.

(v) Smoking, open flames and barbecues in boats are prohibited during the transit of this area.

(vi) Nothing in the regulations in this section shall be construed as relieving the owner or persons in command of any vessels from the penalties of the law for obstructing navigation or for not complying with the navigation laws in regard to lights or signals or for otherwise violating law.

(vii) All vessel operators shall heed and obey all posted signs and/or instructions issued by security personnel of Naval Weapons Station Seal Beach.

(c) *Enforcement.* The regulations in this section shall be enforced by the Commanding Officer, Naval Weapons Station Seal Beach, California, and such agencies as the Commanding Office may designate. For clarification or other information, the Naval Weapons Station Seal Beach Public Affairs Officer should be contacted at (562) 626-7215.

Stephen L. Hill,

*Chief, Operations and Regulatory Division,
Directorate of Civil Works.*

[FR Doc. 2026-16357 Filed 8-10-26; 8:45 am]

BILLING CODE 3720-58-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2026-5743; FRL-13518-02-R9]

Air Quality Plan; Arizona; Maricopa County Air Quality Department; Gasoline Loading

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to approve and conditionally approve revisions to the Maricopa County Air Quality Department (MCAQD or “County”) portion of the Arizona State Implementation Plan (SIP). These revisions concern emissions of volatile organic compounds (VOC) from loading

organic liquids and gasoline. We are proposing action on local rules to regulate these emission sources under the Clean Air Act (CAA or “Act”). We are also proposing to approve and conditionally approve the MCAQD’s reasonably available control technology (RACT) demonstration for the source categories associated with these rules for the 2008 8-hour ozone national ambient air quality standards (NAAQS) in the Phoenix-Mesa ozone nonattainment area.

DATES: Comments must be received on or before September 10, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R09-OAR-2026-5743 at <https://www.regulations.gov>. For comments submitted at [regulations.gov](https://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [regulations.gov](https://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. **FOR FURTHER INFORMATION CONTACT:** Donnique Sherman, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; by telephone at: (415) 947-4129; or by email at sherman.donnique@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this proposed rule, the use of “we,” “us,” or “our” is intended to refer to the EPA. We use multiple abbreviations and terms in this proposed rule. While this list may not be exhaustive, for ease of reading and

for reference purposes, the EPA defines the following terms and acronyms here:

ADEQ—Arizona Department of Environmental Quality
A.R.S.—Arizona Revised Statutes
CAA—Clean Air Act
CARB—California Air Resources Board
CBI—Confidential Business Information
CTG—Control Technology Guideline
FIP—Federal Implementation Plan
GDF—Gas Dispensing Facility
MCAQD—Maricopa County Air Quality Department
NAAQS—National Ambient Air Quality Standards
RACT—Reasonably Available Control Technology
SIP—State Implementation Plan
TSD—Technical Support Document
VOC—Volatile Organic Compounds

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I. Executive Summary

A. What action is the EPA taking?

The EPA is proposing action on the October 8, 2025, submittal by the Arizona Department of Environmental Quality (ADEQ or “State”) of MCAQD Rule 352, “Gasoline Cargo Tank Testing and Use,” as revised on October 1, 2025 (“Rule 352”), and MCAQD Rule 353, “Storage and Loading of Gasoline at a Gasoline Dispensing Facility (GDF),” as revised on October 1, 2025 (“Rule 353”) (collectively, “the MCAQD submittal”). The MCAQD submittal is also intended to meet RACT requirements for the 2008 8-hour ozone NAAQS for the category of sources regulated by each rule.

Rule 352 limits VOC emissions from gasoline cargo tanks that are used to load or unload gasoline within Maricopa County. Because it fulfills all relevant requirements, we are proposing to fully approve Rule 352 and the County’s RACT demonstration for the 2008 8-hour ozone NAAQS for the category of sources covered by the EPA Control Techniques Guideline (CTG) document, “Control of Volatile Organic Compound Leaks from Gasoline Tank