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DEPARTMENT OF ENERGY

10 CFR Parts 433 and 435

[EERE–2026–FEMP–0067]

RIN 1904–AG17

Repeal of Fossil Fuel Restrictions for New Federal Buildings and Major Renovations of Federal Buildings

AGENCY: Federal Energy Management Program, Department of Energy.

ACTION: Notification of stay.

SUMMARY: The Department of Energy (DOE) is reviewing its recent guidance related to the implementation of newly adopted provisions regarding Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings (CER). While DOE reviews the CER implementation guidance, DOE is staying the compliance date for the newly adopted provisions in the Code of Federal Regulations (CFR).

DATES: As of September 2, 2026, the compliance date for 10 CFR part 433, subpart B and 10 CFR part 435, subpart B, published at 89 FR 35384 (May 1, 2024), and stayed at 90 FR 18911 (May 5, 2025), and further stayed until September 1, 2026, at 91 FR 20868 (Apr. 20, 2026), is further stayed until March 1, 2027.

ADDRESSES: The docket for this rulemaking, which includes **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/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 *https://www.regulations.gov/docket/EERE-2026-FEMP-0067.* The docket web page contains instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Mears, U.S. Department of Energy, Office of Critical Minerals and Energy Innovation, Federal Energy Management Program, FEMP–1, 1000 Independence Avenue SW, Washington, DC 20585–0121, Phone: 240–278–5857, Email: *RescindFossilFuelRestrictions2026FEMP0067@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On May 1, 2024, DOE issued regulations that require certain new Federal buildings and Federal buildings undergoing major renovations to be designed to reduce their fossil fuel-generated energy consumption and provides a process for Federal agencies to petition for a downward adjustment from these requirements if applicable.[1] This rule amended the regulations governing energy efficiency in Federal buildings found in 10 CFR parts 433 and 435. Specifically, the final rule added subpart B that outlines the fossil fuel-generated energy consumption requirement, the methodology for determining a Federal building's fossil fuel-generated energy consumption, and the process for petitioning for a downward adjustment to 10 CFR parts 433 and 435. Also, the final rule added Appendix A to subpart B, which identifies the targets for specific building types and climate zones for Fiscal Year (FY) 2020–2024 and FY 2025–2029.

The final rule became effective on July 15, 2024, and applied the energy performance standards to certain newly constructed or majorly renovated Federal buildings for which design for construction begins on or after May 1, 2025. 89 FR 35384. On January 17, 2025, DOE posted guidance designed to assist Federal agencies to implement the final rule. Shortly after DOE published this implementation guidance document and the petition template, President Trump announced new energy policies, specifically those relating to energy security and reliability.[2]

In May 2025, DOE published a notice that delayed the implementation of the final rule for one year. 90 FR 18911 (May 5, 2025). DOE stated that it was reviewing its implementation guidance to ensure that they are consistent with the policies of the current Administration. Accordingly, while DOE reviewed the implementation guidance and associated documents, DOE stayed the provisions of the recent final rule to avoid the regulatory burden to Federal agencies to comply with the rule. Specifically, DOE stayed subpart B, including Appendix A, of 10 CFR part 433 and subpart B, including Appendix A, of 10 CFR part 435. Because DOE stayed these provisions, Federal agencies were not required to comply with the applicable energy performance standards during this time.

In April 2026, DOE published a second notice that delayed the implementation of the final rule until September 1, 2026. 91 FR 20868 (Apr. 20, 2026). In the second notice, DOE stated that, in addition to reviewing the implementation guidance and associated documents, DOE was also reviewing the recent final rule to ensure consistency with stated energy policies and guidance relating to agency rulemaking.[3] This review is still ongoing. Accordingly, DOE stays the compliance date of the recent final rule that requires certain newly constructed or majorly renovated Federal buildings to meet energy performance standards. Specifically, DOE further stays the compliance date in subpart B of 10 CFR part 433 and subpart B of 10 CFR part 435 until March 1, 2027. Because the compliance date for these provisions is stayed, Federal agencies are not required to comply with these applicable energy performance standards during this time.

Signing Authority

This document of the Department of Energy was signed on August 31, 2026, by Mary Sotos, the Director of the Federal Energy Management Program, 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

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[1] 89 FR 35384, *Clean Energy for New Federal Buildings and Major Renovations of Federal Buildings,* Final Rule (May 1, 2024).

[2] *See e.g.,* Executive Order 14154 of January 20, 2025, *Unleashing American Energy,* 90 FR 8353 (Jan. 29, 2025); Executive Order 14156 of January 20, 2025, *Declaring a National Energy Emergency,* 90 FR 8433 (Jan. 29, 2025); Executive Order 14262 of April 8, 2025, *Strengthening the Reliability and Security of the United States Electric Grid,* 90 FR 15521 (April 14, 2025).

[3] *E.g.,* Executive Order 14219 of February 19, 2025, *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative,* 90 FR 10583 (Feb. 26, 2025).

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 August 31, 2026.

Jennifer Hartzell,

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

[FR Doc. 2026–17979 Filed 9–1–26; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1081]

RIN 1625–AA00

Safety Zone; Maumee River, Toledo, OH

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of the Maumee River within a 100-yard radius of the Toledo Country Club at 41°35′39.2″ N 83°35′47.7″ W. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards associated with a fireworks display. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Detroit, or their designated representative.

DATES: This rule is effective from 9:00 p.m. through 10:00 p.m. on September 4, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2026–1081.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST2 Jacob Allen, Waterways Management Division, U.S. Coast Guard Marine Safety Unit Toledo; (419) 418–6050, *D09-SMB-MSUToledo-WWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard received notification that fireworks will be launched from 41°35′39.2″ N 83°35′47.7″ W at the Toledo Country Club in Toledo, OH on September 4, 2026. The Captain of the Port (COTP) Detroit has determined that potential hazards associated with fireworks are a safety concern for anyone within 100 yards of the fireworks display. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

Because of these potential hazards, the Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. The Coast Guard was notified of this event on July 31, 2026, but we must establish this safety zone by September 4, 2026, to protect personnel, vessels, and the marine environment. Therefore, we do not have enough time to solicit and respond to comments.

For the same reason, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from 9:00 p.m. through 10:00 p.m. on September 4, 2026. The safety zone will cover all navigable waters of the Maumee River within a 100-yard radius of 41°35′39.2″ N 83°35′47.7″ W in Toledo, OH. Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the Captain of the Port.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and have