

review of the project. All interested individuals, agencies, tribes, and NGOs are invited to attend. Please RSVP via email to wiris@cbhhydropower.org or at (509) 995-3663 on or before September 18, 2026 if you plan to attend the environmental site review. The time and location of the environmental site review is as follows:

Date: Thursday, September 24, 2026.

Time: 9:00 a.m. PDT.

Place: Columbia Basin Hydropower.

Address: 107 D Street NW, Ephrata, Washington 98823.

Participants will meet at Columbia Basin Hydropower's office and depart at 9:00 a.m. (PDT) to the project facilities. All participants are responsible for their own transportation to Columbia Basin Hydropower and the project facilities.

All persons attending the environmental site review must wear sturdy, closed-toe shoes or boots. The applicant will provide hearing protection to attendees for entry into noisy areas, if needed; participants who have their own hardhats should bring them.

Scoping Session Objectives

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Commission staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) that will present Commission staff's independent analysis of the issues. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an EA or an EIS.

Scoping session participants should come prepared to discuss their issues and/or concerns. Please review the PAD and SD1 in preparation for the scoping sessions. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The scoping sessions will begin promptly at their respective start times listed above. If you wish to speak, Commission staff will hand out numbers in the order of your arrival. If no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session a half hour earlier than the scheduled time.

Your oral comments will be recorded by a court reporter (with FERC staff or FERC representative present) and

become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see paragraph (n) of this notice for instructions on using eLibrary). If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from CBH will also be present to answer project-specific questions. Proper conduct will help the sessions maintain a respectful atmosphere for attendees to provide comments effectively. Loudspeakers, lighting, oversized visual aids, other visual or audible disturbances, and disruptive video and photographic equipment are not permitted. Recorded interviews are also not permitted within the session space. FERC reserves the right to end the session if disruptions interfere with the opportunity for individuals to provide oral comments or if there is a safety or security risk.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502-6595 or OPP@ferc.gov.

(Authority: 18 CFR 2.1)

Dated: August 28, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026-17946 Filed 9-1-26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-13562-01-OAR]

Notice of August 31, 2026 Decisions on Petitions for Small Refinery Exemptions Under the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Decision on petitions.

SUMMARY: The Environmental Protection Agency (EPA) is providing notification of its final action entitled August 31, 2026 Decision on Petitions for RFS Small Refinery Exemptions ("August 31,

2026 SRE Decisions Action") in which EPA issued decisions on 34 small refinery exemption (SRE) petitions under the Renewable Fuel Standard (RFS) program for the 2025 compliance year. EPA is also reissuing a decision for 1 petition for the 2024 compliance year that was originally issued in the August 3, 2026 Decision on Petitions for RFS Small Refinery Exemptions. EPA is providing this notification for public awareness of, and the basis for, EPA's decision announced on August 31, 2026.

DATES: September 2, 2026.

FOR FURTHER INFORMATION CONTACT:

Campbell Martin, Office of Transportation and Air Quality, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20004; telephone number: (202) 564-5209; email address: SRE-Petitions@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Final Action

The Clean Air Act (CAA) provides that a small refinery¹ may at any time petition EPA for an extension of the exemption from the obligations of the RFS program for the reason of disproportionate economic hardship (DEH).² In evaluating such petitions, the EPA Administrator, in consultation with the Secretary of Energy, will consider the findings of a Department of Energy (DOE) study and other economic factors.³

In the August 31, 2026 SRE Decisions Action,⁴ EPA is acting on 34 individual SRE petitions from 34 refineries seeking an exemption from their RFS obligations for the 2025 compliance years. In consultation with DOE, EPA reviewed all the information submitted by each individual refinery in support of its petition. After careful consideration of all statutory factors and the information submitted by the refineries, EPA is granting full (100 percent) exemptions to 18 petitions, granting partial (50 percent) exemptions to 11 petitions, denying 3 petitions, and determining 2 petitions to be ineligible.

The August 31, 2026 SRE Decisions Action articulates EPA's interpretation of section 211(o)(9) of the CAA and EPA's authority with respect to SRE petitions. As required by CAA section

¹ The CAA defines a small refinery as "a refinery for which the average aggregate daily crude oil throughput for a calendar year . . . does not exceed 75,000 barrels." CAA section 211(o)(1)(K).

² CAA section 211(o)(9)(B)(i).

³ CAA section 211(o)(9)(B)(ii).

⁴ EPA. (Aug. 2026). August 31, 2026 Decisions on Petitions for RFS Small Refinery Exemptions. EPA-420-R-26-017.

211(o)(9), EPA's final actions on the pending SRE petitions are based on the legal and factual analysis presented herein, after consulting with DOE, and considering the DOE Small Refinery Study and "other economic factors."

EPA is also reissuing a partial exemption for 1 petition for the 2024 compliance year that was originally issued in the August 3, 2026 SRE Decisions Action.⁵ The August 31, 2026 SRE Decisions Action also explains how EPA will implement SRE decisions when an exemption is granted.

II. Judicial Review

Section 307(b)(1) of the CAA governs judicial review of final actions by EPA. This section generally provides that petitions for judicial review of final actions that are nationally applicable must be filed in the United States Court of Appeals for the District of Columbia Circuit, and petitions for judicial review of actions that are locally or regionally applicable must be filed in the appropriate regional circuit.⁶ However, petitions for judicial review of a final action that is locally or regionally applicable must be filed in the D.C. Circuit when "such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination."⁷

As the Supreme Court recently articulated in *Calumet*, the first step in determining the appropriate venue for judicial review of an EPA final action is to ascertain whether the action at issue is nationally applicable or locally or regionally applicable.⁸ If the action is nationally applicable, judicial review belongs in the D.C. Circuit. If the action is locally or regionally applicable, then the second step is to determine whether EPA has appropriately invoked the "nationwide scope or effect" exception to "override the default rule" that judicial review of a locally or regionally applicable action belongs in the appropriate regional circuit.⁹ The exception applies, and judicial review of EPA's action belongs in the D.C. Circuit, if EPA invokes the exception for a final action that is "based on a determination of nationwide scope or effect" and accompanied by an EPA finding of this basis.¹⁰ A determination is "the justification [EPA] gives for it[s]

action, which can be found in its explanation of its action."¹¹ A determination has a nationwide scope when it applies throughout the country as a legal matter, and it has a nationwide effect when it applies throughout the country as a practical matter.¹² Finally, an action is "based on" a determination of nationwide scope or effect when the determination "lie[s] at the core of the agency action," so as to form the most important part of the agency's reasoning.¹³ Put another way, an EPA action is based on a determination of nationwide scope or effect "only if a justification of nationwide breadth is the primary explanation for and driver of EPA's action."¹⁴

In the August 31, 2026 SRE Decisions Action, EPA is adjudicating SRE petitions pursuant to the authority granted to the Agency by CAA section 211(o)(9)(B). Each adjudication is a separate "action" for the purposes of determining venue under CAA section 307(b)(1), and because each adjudication only applies to a single refinery, each action is locally or regionally applicable.¹⁵ However, EPA's adjudication of the relevant petitions is based on several determinations of nationwide scope or effect that formed the core basis for the Agency's decision.

First, these adjudications are based on EPA's determination that CAA section 211(o)(9) provides EPA with the authority to find that a small refinery would experience partial DEH if required to comply with its RFS obligations and to extend a partial exemption. As detailed in section III.H of the August 31, 2026 SRE Decisions Action, CAA section 211(o)(9)(B) grants EPA authority to temporarily extend the exemption from RFS obligations to a small refinery that demonstrates "disproportionate economic hardship," but the statute does not define that phrase or its components, suggesting Congress left it to the Agency's discretion to "fill up the details" when determining how to implement this provision.¹⁶ EPA interprets CAA section 211(o)(9)(B), based on the plain language, structure, and objective of the statute, to provide the Agency with the authority to find that a small refinery would experience partial DEH and to extend a partial exemption. This determination has nationwide scope

because it is an interpretation of a federal statute and CAA section 211(o)(9)(B)(i) by its terms applies nationwide.¹⁷ Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.¹⁸

Second, these adjudications are based on EPA's determination that the DOE matrix is a reasonable proxy for DEH, and EPA will defer to DOE's findings unless EPA's consideration of other economic factors compels a different result. As detailed in section III.E of the August 31, 2026 SRE Decisions Action, CAA section 211(o)(9)(B) permits a small refinery to petition for an extension of the exemption from its RFS obligations for the reason of DEH. The statute directs EPA to "consider the findings of the [2011 DOE study] and other economic factors" in evaluating a petition but provides no further instruction as to how to effectuate these obligations.¹⁹ As the author of the study and through its work assessing SRE petitions in conjunction with EPA, DOE has developed extensive expertise in evaluating economic conditions at U.S. refineries that is fundamental to the process both DOE and EPA use to identify whether DEH exists for each petitioner. With limited exceptions, EPA has consistently relied upon DOE's expertise in the Agency's adjudication of SRE petitions over the life of the RFS program. Thus, EPA has determined that the best way to fulfill its obligation to "consider the findings of the [2011 DOE study]" under CAA section 211(o)(9)(B) is to defer to DOE's application of its matrix and resulting findings in evaluating whether a small refinery would experience DEH. EPA has further determined that the best way to fulfill its obligation to consider "other economic factors" is to independently assess all available information and weigh whether this information compels EPA to depart from DOE's findings. This determination has nationwide scope because it is both an interpretation of a federal statute and CAA section 211(o)(9)(B)(i) by its terms applies nationwide, and it is a rebuttable presumption that DOE's finding as to whether a given small refinery would experience DEH, based on application of the DOE matrix, is correct, unless EPA's consideration of other economic factors compels it to depart from DOE's findings. Additionally, this determination has nationwide effect because it applies generically to all

⁵ EPA, (Aug. 2026), August 3, 2026 Decisions on Petitions for RFS Small Refinery Exemptions. EPA-420-R-26-004.

⁶ CAA section 307(b)(1).

⁷ *Id.*

⁸ *Calumet*, 145 S. Ct. at 1746.

⁹ *Id.* at 1746.

¹⁰ *Id.* at 1749–50.

¹¹ *Id.* at 1750 (internal quotations omitted).

¹² *Id.*

¹³ *Id.* at 1751.

¹⁴ *Id.*

¹⁵ *Id.* at 1748.

¹⁶ *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394–95.

¹⁷ *Calumet*, 145 S. Ct. at 1752.

¹⁸ *Id.*

¹⁹ CAA section 211(o)(9)(B).

refineries nationwide, regardless of their geographic location.

Third, these adjudications are based on EPA's determination that, when extending the exemption, either wholly or partially, to a small refinery that has already retired RINs to comply with its RFS obligations, CAA section 211(o) restricts EPA to returning some or all of those retired RINs, commensurate with the degree of the exemption. As detailed in section IV.B of the August 31, 2026 SRE Decisions Action, returning RINs in this manner effectuates the best reading of the statute. CAA section 211(o)(5) requires that every instance of RIN generation be associated with the refining, blending, or importation of renewable fuel. Section 211(o)(5) also requires that RINs expire after a certain amount of time, while section 211(o)(9)(B) permits small refineries to petition for an extension of the exemption "at any time." EPA interprets these provisions of CAA section 211(o) to limit EPA to returning RINs retired for compliance, if any, when it grants an extension of the exemption. This determination has nationwide scope because it is an interpretation of a federal statute and CAA sections 211(o)(5) and 211(o)(9)(B) by their terms apply nationwide. Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.

This third determination also minimizes disruptions to the RIN market and RFS program, akin to the Fifth Circuit's review of the April 2022 Alternative Compliance Action²⁰ in *Wynnewood Refining Co., LLC v. EPA*, 86 F.4th 1114 (5th Cir. 2023). In *Wynnewood*, the Fifth Circuit concluded that the ACA was based on a determination of nationwide scope or effect because the ACA was designed to mitigate the impact of the collective denials from the April 2022 SRE Denial Action²¹ on the RIN market.²² After denying 36 SRE petitions for the 2018 compliance year, EPA estimated that the small refineries would need to retire an additional 1.4 billion RINs to satisfy their 2018 compliance obligations.²³ Concerned that such a drastic spike in need for RINs would threaten the viability of the RIN market, EPA issued the ACA, which required that the small

refineries file a revised compliance report but did not require them to retire additional RINs.²⁴ The Fifth Circuit reasoned that, because the purpose of the ACA was to address the continuing viability of the RFS program as a whole, it was based on a determination of nationwide scope or effect.²⁵ Similarly here, EPA's determination that the only permissible means of implementing the extension of the exemption is by returning retired RINs is based on concerns about the integrity of the RFS program as a whole. As explained in section IV.B of the August 31, 2026 SRE Decisions Action and in the August 2025 SRE Decisions Action, were the Agency to replace the retired RINs with current vintage RINs, the sudden mass influx of new RINs would result in decreased RIN prices, leading to decreased future investments in renewable fuel production and threatening the stability of the RIN market nationwide. EPA's approach of returning retired RINs is designed to avoid these negative impacts to the RFS program. Following the reasoning from the *Wynnewood* decision, because the purpose of this determination is to address the continuing viability of the RFS program as a whole, it is a determination of nationwide scope or effect.

The actions discussed within the August 31, 2026 SRE Decisions Action are based on the three determinations outlined above, as these determinations lie "at the core of the agency action[s]" so as to form the most important part of EPA's reasoning.²⁶ The first and second determinations together form the core basis for EPA's adjudications because the Agency has used both of them to create a rebuttable presumption that application of the DOE matrix produces the correct DEH finding, and EPA defers to that finding unless the Agency's consideration of other economic factors, including refinery-specific information, compels the Agency to depart from that rebuttable presumption. EPA's first determination is the first element of EPA's rebuttable presumption: because the DOE matrix can result in a finding of full DEH, partial DEH, or no DEH, EPA must first determine that the CAA provides the Agency with authority for finding partial DEH before the Agency can consider deferring to those findings. EPA's second determination is the second element of EPA's rebuttable presumption: the DOE matrix is a reasonable proxy for determining whether a small refinery would

experience DEH, and deferring to that finding is the best way of fulfilling the Agency's statutory obligation to "consider the [2011 DOE Study]" and will result in the correct DEH finding for that small refinery. Taken together, these two determinations—that EPA has the authority to find that a small refinery is experiencing partial DEH and that the DOE matrix is a reasonable proxy for determining whether a small refinery would experience DEH—form the rebuttable presumption that is "the primary explanation for and driver of EPA's action."²⁷ Under this rebuttable presumption, EPA will defer to DOE's findings unless the Agency's consideration of other economic factors compels a different result.

To fulfill its statutory obligation to consider "other economic factors," EPA did consider refinery-specific information in its adjudications. However, these confirmatory reviews were not the primary drivers of EPA's actions on these petitions. EPA considered refinery-specific facts only to determine whether to depart from its rebuttable presumption that application of DOE's matrix results in the correct DEH finding, and these considerations, for each small refinery, confirmed that none of the refinery-specific facts rebutted the presumptive disposition. For example, EPA considered information presented by small refineries regarding their financial circumstances and found that the information was already considered in the DOE matrix or did not otherwise justify departing from the finding reached by application of the DOE matrix. Thus, EPA's consideration of refinery-specific facts was peripheral in comparison to EPA's rebuttable presumption that application of the DOE matrix is the best means of determining whether DEH exists.²⁸ Notably, EPA's confirmatory review of refinery-specific facts did not change the final decision for any of the SRE petitions.

Additionally, EPA's third determination—that the only permissible way to implement the extension of the exemption from RFS obligations when a small refinery has retired RINs for compliance is to return those retired RINs—is a core driver of EPA's actions because EPA's adjudication of SRE petitions necessarily includes extending the exemption to meritorious petitioners. But how EPA effectuates that extension of the exemption can look different depending on whether the relevant

²⁰ EPA. (Apr. 2022). April 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries. EPA-420-R-22-006. ("ACA").

²¹ EPA. (Apr. 2022). April 2022 Denial of Petitions for RFS Small Refinery Exemptions. EPA-420-R-22-006.

²² *Wynnewood Refining Co., LLC v. EPA*, 86 F.4th 1114, 1119 (5th Cir. 2023).

²³ *Id.* at 1119–20.

²⁴ *Id.* at 1117, 1120.

²⁵ *Id.* at 1120.

²⁶ *Calumet*, 145 S. Ct. at 1751.

²⁷ *Id.*

²⁸ *Id.* at 1752.

small refinery has already demonstrated compliance with its relevant RFS obligations by retiring RINs. Generally, the RFS statutory and regulatory provisions require all obligated parties to comply with their RFS obligations. However, CAA section 211(o)(9)(B) provides an exception when a small refinery demonstrates that it would experience DEH. In other words, when EPA grants an exemption to a small refinery, that small refinery is not required to retire any RINs to demonstrate compliance if it is a full exemption, and only the number of RINs necessary to meet half of its RFS obligation if it is a partial exemption. However, simply granting a petition does not necessarily effectuate the exemption in all cases. If the exemption is granted prior to a compliance demonstration by the small refinery, then the exemption is self-implementing. But if the small refinery has already demonstrated compliance by retiring RINs, EPA needs to take an additional step to effectuate the exemption. For the reasons outlined in sections IV.B and V of the August 31, 2026 SRE Decisions Action, EPA has determined, consistent with its interpretation of the Agency's authority under CAA section 211(o) and its policy interest in treating all refineries that receive an exemption equally, that returning the retired RINs is the only permissible way of implementing the exemption where a small refinery has previously demonstrated compliance with its RFS obligations by retiring RINs. EPA's adjudications are based on this determination because extending the exemption to meritorious petitioners is necessarily a part of EPA's action on the SRE petitions and EPA's statutory interpretation and policy considerations inform its implementation of the exemption for all petitioners.

In the August 31, 2026 SRE Decisions Action, EPA concluded that 2 small refineries were ineligible to petition for an SRE for 2025. For one refinery, EPA concluded that the refinery is ineligible to petition for an SRE for compliance year 2025 because the refinery did not receive the initial blanket exemption. This decision is based on EPA's determination that, for a small refinery to be eligible to petition for an extension of the small refinery exemption, it must have received the initial blanket exemption. CAA section 211(o)(9)(B)(i) provides that a small refinery may "petition the Administrator for an extension of the exemption under subparagraph (A) for the reason of disproportionate economic hardship." Notably, this provision does not provide

for an exemption, but rather an extension of the blanket exemption under CAA section 211(o)(9)(A)(i). For EPA to be able to "extend" an exemption to a small refinery, there must have been an exemption for it to extend in the first instance. EPA interprets these provisions of the CAA to require that a small refinery have received the initial blanket exemption under subparagraph A(i) to be eligible to petition for an extension of that exemption under subparagraph B(i). This determination has nationwide scope because it is an interpretation of a federal statute and CAA section 211(o)(9)(B) by its terms applies nationwide.²⁹ Additionally, this determination has nationwide effect because it applies generically to all refineries nationwide, regardless of their geographic location.³⁰

For the reasons discussed above, EPA finds that the final actions discussed within the August 31, 2026 SRE Decisions Action are based on determinations of nationwide scope or effect for purposes of CAA section 307(b)(1) and is publishing that finding in the **Federal Register**. Under section 307(b)(1) of the CAA, petitions for judicial review of these actions must be filed in the D.C. Circuit by November 2, 2026.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10249 and CMS-10553]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to

publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 2, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing>.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the

²⁹ *Calumet*, 145 S. Ct. at 1752.

³⁰ *Id.*