

sought to avoid through the HMTA. California's mandate sets a precedent for other jurisdictions to ban or place impermissible restrictions on approved hazmat packagings under the guise of waste management. These conflicting requirements would undermine the Federal regulatory scheme of hazardous materials transportation uniformity and create confusion and uncertainty for manufacturers and offerors of such packagings and the hazmat contained therein. Allowing one State to ban the sale of non-reusable or non-refillable propane cylinders would impose an unreasonable burden on manufacturers and shippers by requiring them to redesign their product to meet a specific State's requirements, or pull out of that market entirely. It would also impose an unreasonable burden on consumers by removing a safe and affordable option for transporting propane.

More importantly, California's reusability mandate would more than likely have the unintended effect of creating additional safety hazards for consumers, further frustrating the intent of the HMTA and HMR. Filling cylinders with propane, a flammable gas, poses a safety risk, and that risk is increased if untrained consumers attempt to refill these propane cylinders themselves. The refillable cylinders, such as the DOT 4BA cylinders, touted by those opposed to preemption must also be inspected and retested at regular intervals to qualify for reuse.<sup>146</sup> Though some consumers may timely reinspect and retest their smaller propane cylinders, it is likely that many would keep using their cylinders past the requalifying date, creating an additional safety hazard. And while proponents of California's law insist the reusability requirement would keep smaller propane cylinders from being disposed of improperly at waste management facilities or landfills, reusable propane cylinders may still be discarded improperly, creating the same risks from improper disposal that California's law purports to solve.

For these reasons, PHMSA finds California's reusability mandate for most propane cylinders is an obstacle to carrying out the HMTA and HMR's goal of uniformity in the regulation of hazardous materials and impedes the transportation of hazardous materials. The mandate is therefore preempted under 49 U.S.C. 5125(a)(2).

## VI. Ruling

PHMSA finds that California's reusability mandate for propane cylinders is a non-Federal requirement

relating to a covered subject that is not substantively the same as the requirements in the HMR. PHMSA further finds that California's reusability mandate is an obstacle to accomplishing and carrying out the HMTA and HMR. Accordingly, California's reusability mandate for propane cylinders is preempted under 49 U.S.C. 5125(b)(1)(E) and (a)(2).

## VII. Petition for Reconsideration/Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this determination may file a petition for reconsideration. The petition for reconsideration must be filed within 20 days of publication of this determination in the **Federal Register**. If a petition for reconsideration is filed within 20 days of publication in the **Federal Register**, the decision by PHMSA's Chief Counsel on the petition for reconsideration becomes PHMSA's final agency action with respect to the person requesting reconsideration.<sup>147</sup>

If a person does not request reconsideration in a timely fashion, then this determination is PHMSA's final agency action as to that person, as of the date of publication in the **Federal Register**.

Any person who is adversely affected or aggrieved by this administrative determination may seek judicial review under 49 U.S.C. 5127(a) by filing a petition for review in an appropriate United States Court of Appeals within 60 days after publication of this determination in the **Federal Register**.<sup>148</sup> The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5127(a).

Issued in Washington, DC, on September 7, 2026.

**Keith J. Coyle,**  
Chief Counsel.

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Art Advisory Panel—Notice of Closed Meeting

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of closed meeting of Art Advisory Panel.

<sup>147</sup> See 49 CFR 107.211(d).

<sup>148</sup> See 49 U.S.C. 5127(a).

**SUMMARY:** Closed meeting of the Art Advisory Panel will be held in New York, NY or virtually via Microsoft Teams. The entire meeting will be closed.

**DATES:** The meeting will begin at 10:00 a.m. Eastern Time. The meeting will be held September 16, 2026.

**ADDRESSES:** The closed meeting of the Art Advisory Panel will be held at 290 Broadway—Foley Square New York, NY 10007-1823 or virtually via *Microsoft Teams*.

**FOR FURTHER INFORMATION CONTACT:** Valeria B. Farr, 1835 Assembly Street, Columbia, SC 29201. Telephone (803) 312-7828 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. 1009, that a closed meeting of the Art Advisory Panel will be held at 290 Broadway—Foley Square, New York, NY 10007 or virtually via *Microsoft Teams*.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals of works of art involved in Federal income, estate, or gift tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of 26 U.S.C. 6103.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that this meeting is concerned with matters listed in sections 552b(c)(3), (4), (6), and (7), of the Government in the Sunshine Act, and that the meeting will not be open to the public.

**Spencer W. Clark,**  
Committee Management Officer, US  
Department of the Treasury.

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## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0205]

### Agency Information Collection Activity Under OMB Review: Title 38 Health Care Positions—Trainee Application and Appraisal

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs (VA),

<sup>146</sup> See 49 CFR 180.209.