

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 determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

- 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

- 2. Add § 165.T08–1351 to read as follows:

§ 165.T08–1351 Safety Zone; Brownsville Ship Channel, Brownsville, TX.

(a) *Location.* The following area is a safety zone: All waters of the Brownsville Ship Channel from surface to bottom, within a 500 ft radius of USS VICKSBURG and the M/V CAITLIN, as the vessels transit from the Sea Buoy to dock at International Shipbreaking.

(b) *Definitions.* As used in this section, *designated representative* is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of the Captain of the Port Sector Corpus Christi (COTP).

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's

representative on VHF–FM channel 16 or by telephone at (800) 874–2143. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section is effective from October 20, 2026 through October 24, 2026. The regulations in paragraph (c) will be enforced on one day during this period. The specific day and time of enforcement will depend on the weather conditions and the vessel transit schedule, and will be announced to the public in advance.

T.H. Bertheau,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2026–21636 Filed 10–21–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2026–1295]

RIN 1625–AA00

Safety Zone; Zach's Bay, Wantagh, NY

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 Zach's Bay, near Wantagh, NY to protect swimmers, personnel, vessels, and the marine environment from potential hazards created by a swim event at Jones Beach State Park which had originally been scheduled for September 25–26 but was cancelled due to storms. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Long Island Sound, or their designated representative.

DATES: This rule is effective from 6 a.m. through 4 p.m. on October 24, 2026.

ADDRESSES: To view available documents, go to <https://www.regulations.gov> and search for USCG–2026–1295.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact MST2 Tammy Zhong, Sector Long Island Sound Waterways Management Division, U.S. Coast Guard; telephone 866–299–8031, or email SECLISSPWMarineEvent@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
 COTP Captain of the Port, Long Island Sound
 DHS Department of Homeland Security
 FR Federal Register
 NPRM Notice of proposed rulemaking
 § Section
 U.S.C. United States Code
 WGS 84 World Geodetic System

II. Background and Authority

On September 30, 2026, the Coast Guard received information from the New York State Office of Parks, Recreation and Historic Preservation that it would sponsor the rescheduled “IRONMAN 70.3 at Jones Beach State Park.” This event was previously scheduled for September 24, 2026, and we had published a temporary final rule (docketed USCG–2026–0931) creating a safety zone for the original event. That rule, titled “Safety Zone; Zach’s Bay, Wantagh, NY” was published on September 23, 2026 (91 FR 60306). The original event was canceled due to poor weather conditions.

The rescheduled open water swim portion will take place on Zach’s Bay, near Wantagh, NY. The triathlon will include approximately 2,500 participants and perhaps as many as 10,000 spectators. The Captain of the Port, Sector Long Island Sound (COTP) has determined that potential hazards associated with the open water swim, such as the possibility that a vessel will hit a swimmer, are a safety concern for anyone within the area where the open water swim will take place. The COTP is issuing this rule under the authority in 46 U.S.C. 70034, to protect swimmers, personnel, vessels, and the marine environment in the navigable waters within the safety zone while the event is occurring.

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 to take and consider comments and publish a final rule within the time available from September 30, 2026 and October 24, 2026, the date the rule must be in place to protect swimmers, personnel, vessels, and the marine environment.

For the same reason, the Coast Guard also 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 in the Zach’s Bay, near Wantagh, NY, area from 6 a.m. through 4 p.m. on October 24, 2026. The safety zone will cover all navigable waters of Zach’s Bay south of a line connecting a point near the western entrance to Zach’s Bay in position at 40°36′28.47″ N, 073°29′21.01″ W and 40°36′26.78″ N, 073°28′52.06″ W, and south of a line connecting a point near the eastern entrance of the bay in position at 40°36′32.18″ N, 073°28′37.45″ W and 40°36′32.65″ N, 073°28′21.00″ W. These coordinates are based on the World Geodetic System (WGS 84). Vessels and persons will not be allowed to enter the zone during this time, unless authorized by the COTP.

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 determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T01–1295, to read as follows:

§ 165.T01–1295 Safety Zone; Zach’s Bay, Wantagh, NY.

(a) *Location.* The following area is a safety zone: All navigable waters of Zach’s Bay south of a line connecting a point near the western entrance to Zach’s Bay in position at 40°36′28.47″ N, 073°29′21.01″ W and 40°36′26.78″ N, 073°28′52.06″ W, and south of a line connecting a point near the eastern entrance of the bay in position at 40°36′32.18″ N, 073°28′37.45″ W and 40°36′32.65″ N, 073°28′21.00″ W. These coordinates are based on the World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Long Island Sound (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP’s designated representative.

(2) To seek permission to enter, contact the COTP or the COTP’s representative on VHF–FM channel 16 or by telephone at (206) 815–7273. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP’s designated representative.

(d) *Enforcement period.* This rule is enforced from 6 a.m. through 4 p.m. on October 24, 2026.

Paul J. Mangini,

Captain, U.S. Coast Guard, Captain of the Port, Sector Long Island Sound.

[FR Doc. 2026–21593 Filed 10–21–26; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 257

[EPA–HQ–OLEM–2025–3325; FRL–12983–02–OLEM]

Virginia: Approval of State Coal Combustion Residuals Permit Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Availability of final decision.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is approving Virginia’s coal combustion residuals (CCR) permit program under the Resource Conservation and Recovery Act (RCRA). After reviewing the CCR permit program application submitted by the Virginia Department of Environmental Quality (VADEQ), EPA has determined that Virginia’s partial CCR permit program meets the standard for approval under RCRA. Virginia’s CCR permit program will operate in lieu of the Federal CCR program with the exception of the specific provisions noted below.

DATES: This action is effective on November 23, 2026.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OLEM–2025–3325. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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: Michelle Lloyd, Office of Resource Conservation and Recovery, Materials Recovery and Waste Management Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 566–0560; email address: lloyd.michelle@epa.gov. For more information on this document please visit <https://www.epa.gov/coal-combustion-residuals>.

SUPPLEMENTARY INFORMATION:

List of Acronyms

DCR Virginia Department of Conservation and Recreation
CCR coal combustion residuals
CFR Code of Federal Regulations
EPA Environmental Protection Agency
MSWLF municipal solid waste landfill
NOI Notice of Intent
OLEM Office of Land and Emergency Management
PEEP Permitting Enhancement and Evaluation Platform
RCRA Resource Conservation and Recovery Act
SHWD Solid and Hazardous Waste Division
STAG State and Tribal Assistance Grant
VAC Virginia Administrative Code
VADEQ Virginia Department of Environmental Quality
VPDES Virginia Pollutant Discharge Elimination System
VSWMR Virginia Solid Waste Management Regulations

VWMA Virginia Waste Management Act
WIIN Water Infrastructure Improvements for the Nation

I. General Information

A. Summary of Final Action

EPA is taking final action to approve of Virginia’s partial CCR permit program because the Agency finds that the State’s program requires each CCR unit in the State to achieve compliance with the minimum requirements in the Federal CCR regulations or with alternative requirements that EPA has determined to be at least as protective as the requirements of the Federal CCR regulations in 40 CFR part 257, subpart D, for the reasons set forth in the Proposed Approval (91 FR 23924, May 4, 2026) and this final action. See, 42 U.S.C. 6945(d)(1)(B).

B. Background

CCR are generated from the combustion of coal, including solid fuels classified as anthracite, bituminous coal, subbituminous coal, and lignite, for the purpose of generating steam to power a generator to produce electricity or electricity and other thermal energy by electric utilities and independent power producers. CCR, commonly known as coal ash, include fly ash, bottom ash, boiler slag, and flue gas desulfurization materials. CCR can be sent offsite for disposal or beneficial use or disposed of in on-site landfills or surface impoundments.

On April 17, 2015, EPA published a final rule creating 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302). The rule created a self-implementing program that regulates the location, design, operating criteria, and groundwater monitoring and corrective action for CCR units, as well as the closure and post-closure care of CCR units. It also requires recordkeeping and notifications for CCR units. EPA has since amended 40 CFR part 257, subpart D on August 5, 2016 (81 FR 51802), July 30, 2018 (83 FR 36435), August 28, 2020 (85 FR 53516), November 12, 2020 (85 FR 72506), May 8, 2024 (89 FR 38950), November 8, 2024 (89 FR 88650), and February 10, 2026 (91 FR 5806). More information on these rules is provided in the Technical Support Document in the docket for this document.¹

¹ Technical Support Document for the Approval of Virginia’s Coal Combustion Residuals Permit Program. U.S. Environmental Protection Agency, Office of Land and Emergency Management (5304T), 1200 Pennsylvania Avenue NW,