Accordingly, the EPA is proposing to approve the ACHD request dated December 12, 2022 for delegation of authority to implement and enforce the Federal Plan for existing MSW landfills. The EPA will continue to retain certain authorities reserved to the EPA in the MSW landfill Federal Plan, as indicated in the MoA (*e.g.,* alternative methods to determine the site-specific NMOC concentration or a site-specific methane generation rate constant (k), etc.), and as required under 40 CFR 62.16710(b). The EPA is also proposing to amend 40 CFR part 62 to reflect the ACHD's 1999 MSW landfill State plan withdrawal and the delegation of authority to the ACHD to implement and enforce the MSW landfill Federal Plan.

IV. Statutory and Executive Order Reviews

Under the CAA, the EPA has the authority to delegate to a State or local agency the authority to implement a 111(d) Federal Plan so long as the delegation complies with the provisions of the CAA and applicable Federal regulations.[10] In reviewing 111(d) Federal Plan delegation requests, the EPA may approve a State's request to implement a Federal Plan, provided that it meets the criteria of the CAA and the EPA's implementing regulations. Accordingly, this action merely proposes to codify the EPA's delegation of authority to the ACHD to administer the Federal Plan and does not impose additional requirements beyond those imposed by the already applicable MSW landfill Federal Plan.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not expected to be an Executive Order 14192 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA (44 U.S.C. 3501 *et seq.*) because it does not involve any information collection activities.

D. Regulatory Flexibility Act (RFA)

This action is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This action merely delegates to the local agency the authority to implement the already applicable requirements of the Federal Plan.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and does not significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

This action does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999) because it will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action merely delegates to a local agency the authority to administer the already applicable MSW landfill Federal Plan.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards. This action merely delegates to a local agency the authority to administer the already applicable MSW landfill Federal Plan.

J. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This is because this action merely delegates administration of the MSW landfill Federal Plan to the local agency, and the MSW landfill Federal Plan does not have tribal implications specific to any landfills under the local agency's jurisdiction. Thus, Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Amy Van Blarcom-Lackey,

Regional Administrator, Region III.

[FR Doc. 2026–22583 Filed 11–4–26; 8:45 am]

BILLING CODE 6560–50–P

[10] 42 U.S.C. 7411(d); 40 CFR 62.16710.

LEGAL SERVICES CORPORATION

45 CFR Part 1631

Purchasing and Property Management

AGENCY: Legal Services Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule revises the Legal Services Corporation's (LSC) definition of ''capital improvement'' by removing the threshold amount of LSC funds that must be expended on an improvement to real estate for the expenditure to qualify as a capital improvement. The proposed amendment would distinguish the definition of a capital improvement from the monetary thresholds required for prior approval; promote consistent tracking and oversight of LSC funds used for capital improvements; and strengthen accountability for LSC funds invested in recipients' real property.

DATES: Comments must be submitted by 11:59 p.m. Eastern on December 21, 2026.

ADDRESSES: You may submit comments by any of the following methods:

- *Email: lscrulemaking@lsc.gov.* Include ''Comments on Revision to Part 1631'' in the subject line of the message.
- *Mail:* Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006, ATTN: Part 1631 Rulemaking.

■ *Hand Delivery/Courier:* Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006, ATTN: Part 1631 Rulemaking.

Instructions: Electronic submissions are preferred via email with attachments in Acrobat PDF format. LSC will not consider written comments sent to any other address or received after the end of the comment period.

FOR FURTHER INFORMATION CONTACT: Brittany Sims Nwankwoala, Assistant General Counsel, Legal Services Corporation, 1825 I St. NW, Ste. 800, Washington, DC 20006; (202) 295–1599 (phone), or *nwankwoalab@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Legal Services Corporation Act of 1974 authorizes LSC to establish regulations governing the use of grant funds and to ensure appropriate stewardship of Federal resources. See 42 U.S.C. 2996g(e). LSC sets forth its procurement and property management requirements in 45 CFR part 1631.

In 2017, LSC revised parts 1630, pertaining to cost standards, and 1631 to increase the prior approval threshold from $10,000 to $25,000 to account for inflation and reduce unnecessary administrative burdens on recipients. This change also established $25,000 as the applicable threshold in all provisions governing prior approval, property, and procurement requirements. In 2022, LSC conducted a retrospective review of all regulations. It identified several additional areas within parts 1630 and 1631 that recipients and LSC staff found difficult to administer consistently or that lacked sufficient clarity for grantees and oversight staff. In 2026, LSC initiated rulemaking to resolve those inconsistencies and increase the $25,000 prior approval threshold to $50,000 in §§ 1630.3, 1630.6, 1631.8, and 1631.15. See 91 FR 23228 (Apr. 30, 2026).

During the 2026 rulemaking, however, LSC did not propose increasing the threshold in the definition of ''capital improvement'' in § 1631.2(a). Although LSC increased the threshold for obtaining prior approval for certain expenditures from $25,000 to $50,000, that amendment would not address which expenditures constitute capital improvements for purposes of part 1631. Rather, through subsequent conversations with the Office of Compliance Enforcement (OCE), LSC found that removing the threshold amount altogether would enhance LSC's ability to identify and account for all LSC funds used to improve real property. Currently, expenditures below the threshold may nevertheless constitute capital improvements and, when repeatedly made over time, could represent a significant investment of LSC funds in a recipient's real property. The $50,000 threshold for determining when prior approval is required remains separate from the definition of ''capital improvement.''

II. Remove the Threshold Amount in Definition of Capital Improvement

LSC proposes to revise the definition of ''capital improvement'' in § 1631.2(a) by removing any monetary threshold from the definition. Currently, § 1631.2(a) defines ''capital improvement'' as spending more than $50,000 of LSC funds to improve real estate through construction or the addition of fixtures that become an integral part of the real estate. LSC proposes to remove the monetary threshold so that any improvement to real estate using LSC funds constitutes a capital improvement.

LSC is undertaking this rulemaking to strengthen its oversight of LSC funds used to improve real property and ensure that recipients identify and account for such expenditures regardless of amount. The amendment also clarifies that an expenditure may constitute a capital improvement even if it does not meet the monetary threshold requiring LSC's prior approval. The character of an expenditure made with LSC funds as a capital improvement does not depend on its cost. An expenditure may improve real estate through construction or the addition of an integral fixture even when the amount of LSC funds used for that particular improvement is less than the applicable prior approval threshold.

Removing the monetary threshold from the definition would also ensure that recipients identify and account for any LSC funds used for capital improvements regardless of the amount of the individual expenditure. Under the current definition, improvements costing less than $50,000 do not constitute ''capital improvements'' for purposes of part 1631. As a result, a recipient could make multiple improvements to the same real estate over time using LSC funds, with each individual improvement falling below $50,000, without those expenditures being treated as capital improvements under the rule. For example, a recipient could expend $30,000 of LSC funds on an improvement in one year and later expend an additional $40,000 on another improvement to the same property in a different year. Although the recipient would have invested a total of $70,000 of LSC funds in improvements to the property, neither expenditure would constitute a capital improvement under the current definition.

This result is inconsistent with LSC's interest in ensuring that recipients accurately identify and account for LSC funds invested in real estate. Section 1631.15(c) requires recipients to maintain supporting documentation sufficient to accurately identify and account for any use of LSC funds to make capital improvements to real estate owned by the recipient. Removing the $50,000 threshold from the definition would make the definition consistent with that requirement and enable LSC and recipients to account for the cumulative amount of LSC funds invested in improvements to real estate over time.

The proposed amendment would also clarify the distinction between the classification and tracking of an expenditure and the requirement to obtain prior approval. Removing the dollar amount from the definition of ''capital improvement'' would not, by itself, require prior approval for every capital improvement. Rather, grantees would need to treat and track expenditures that meet the definition as a capital improvement regardless of amount. Meanwhile, the applicable provisions governing prior approval would continue to determine when a recipient must obtain LSC's approval before using LSC funds for the improvement.

This change would ensure that the regulatory definition accurately identifies the nature of the expenditure and that LSC's interest in real estate reflects LSC funds used for capital improvements, including improvements made through multiple expenditures over time.

IV. Proposed Changes

PART 1631—PURCHASING AND PROPERTY MANAGEMENT

§ 1631.2 Definitions

LSC proposes to revise the definition of ''capital improvement'' in § 1631.2(a) by removing the monetary amount of LSC funds a recipient may spend to improve real property through construction or the addition of fixtures that become an integral part of the real property.

List of Subjects in 45 CFR Part 1631

Government contracts, Grant programs—law, Legal services, Real property acquisition.

For the reasons set forth in the preamble, the Legal Services Corporation proposes to amend part 1631 of title 45 of the Code of Federal Regulations as follows:

PART 1631—PURCHASING AND PROPERTY MANAGEMENT

■ 1. The authority citation for part 1631 continues to read as follows:

Authority: 42 U.S.C. 2996g(e).

■ 2. Amend § 1631.2 by revising paragraph (a) to read as follows:

§ 1631.2. Definitions.

(a) Capital improvement means spending any amount of LSC funds to improve real estate through construction or the addition of fixtures that become an integral part of real estate.

* * * * *

Dated: November 3, 2026.

Stefanie Davis

Deputy General Counsel and Ethics Officer, Legal Services Corporation.

[FR Doc. 2026–22650 Filed 11–4–26; 8:45 am]

BILLING CODE 7050–01–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 248

[Docket Number MARAD–2026–0728]

RIN 2133–AC01

Deepwater Port Application Processing and Licensing

AGENCY: Maritime Administration (MARAD), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: This document proposes procedures for the processing of applications for the licensing of deepwater ports. The proposed rule reflects the transfer of deepwater port license application processing management under the Deepwater Port Act from the United States Coast Guard (USCG) to MARAD. Pursuant to the National Defense Authorization Act for Fiscal Year 2026 (2026 NDAA), MARAD is the Federal lead agency for purposes of the National Environmental Policy Act of 1969 (NEPA) for all deepwater port license applications. USCG responsibility for authorities pertaining to design, construction, equipment, operation of deepwater ports, and navigational safety are not affected by the 2026 NDAA statutory changes, or this proposed rule and will continue to be administered by USCG.

DATES: Comments should be filed on or before January 4, 2027. Late comments will be considered to the extent practicable.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2026–0728 by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Search for the above DOT Docket Number and follow the instructions for submitting comments.
- *Mail/Hand-Delivery/Courier:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590. If you would like to know that your comments reached the facility, please enclose a stamped, self-addressed postcard or envelope. The Docket Management Facility is open 9:00 a.m. to 5:00 p.m., Monday through Friday, except on Federal holidays.

Note: MARAD recommends that you include your name, mailing address, email address, or telephone number in the body of your document so that MARAD can contact you if we have questions regarding your submission. If you submit your input by mail or hand-delivery, it must be submitted in an unbound format, no larger than 8½ by 11 inches, single-sided, suitable for copying and electronic filing. All submissions received should include the agency name and ''DOT Docket Number'' or Regulation Identifier Number (RIN) for this rulemaking.

Instructions: All comments received will be posted without change to the docket at *https://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Efrain Lopez, Office of Deepwater Port Licensing and Port Conveyance by phone at (202) 495–8867, email: *efrain.lopez@dot.gov,* or mail addressed to U.S. Department of Transportation, Maritime Administration, MAR–530, 1200 New Jersey Avenue SE, Washington, DC 20590. If you have questions about viewing the docket, call the Docket Management Facility, telephone: (800) 647–5527.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

As required by 5 U.S.C. 553(b)(4), this document, including a summary of the rule, and all comments may be viewed online through the Federal eRulemaking portal at *https://www.regulations.gov.* An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at *https://www.federalregister.gov.*

Privacy Act information. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, or other entity). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

Background

MARAD and USCG have worked collaboratively to process Deepwater Port applications since the agencies began jointly processing applications in 1997. However, as required by the 2026 NDAA, MARAD and USCG are realigning their review responsibilities, with MARAD leading the application review process and conducting NEPA reviews of project applications.

The Deepwater Port Act of 1974, as amended (DWPA, 33 U.S.C. 1501 *et seq.*), establishes a licensing system for the ownership, construction, and operation of oil and liquefied natural gas (LNG) deepwater ports located beyond State seaward boundaries. Deepwater ports are fixed or floating facilities used as terminals to transfer oil or natural gas to or from shore via sub-sea pipeline to load or unload onto carrier vessels for the import or export of oil or LNG.

The DWPA vests licensing authority in the Secretary of Transportation. Shortly after the enactment of the statute, the Secretary delegated the authority to process applications and issue regulations to USCG, but reserved the authority to issue, transfer, and amend deepwater port licenses (40 FR 43901, 43906 (Sept. 24, 1975)). As a result, USCG issued DWPA implementing regulations at 33 CFR parts 148, 149, and 150 (40 FR 52339, 52540 (Nov. 10, 1975)). In 1997, the Secretary delegated to MARAD the authority to work in coordination with USCG to process deepwater port applications (62 FR 11382, 11383 (Mar. 12, 1997)). In 2003, the Secretary delegated to the Maritime Administrator the Secretary's authority to issue, transfer, and amend deepwater port licenses (68 FR 36496, 36497 (June 18, 2003)). This delegation did not change the previous delegation of license processing functions to USCG, and its authorities under the DWPA remained intact upon its transfer to the Department of Homeland Security