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

This action is exempt from review by the Office of Management and Budget (OMB) for review because it is deemed to be a rule of particular applicability. This action affects and is limited to four specific facilities in the Detroit area.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because rules of particular applicability are exempted from review under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This action does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This action will not impose any requirements on small entities. This action merely proposes to remove duplicative requirements and imposes no new requirements.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531 through 1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It would 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 13175: Consultation and Coordination With Indian Tribal Governments

This rule does not have Tribal implications, as specified in Executive Order 13175. It would not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the Agency has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order.

Therefore, this action is not subject to Executive Order 13045 because it proposes to withdraw a previously promulgated FIP.

Furthermore, the EPA's Policy on Children's Health does not apply to this action.

I. Executive Order 13211: Actions 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.

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Lee Zeldin,

Administrator.

For the reasons stated in the preamble, the EPA proposes to amend 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

§ 52.1189 [Removed and Reserved]

■ 2. Remove and reserve § 52.1189.

[FR Doc. 2026–23026 Filed 11–10–26; 8:45 am]

BILLING CODE 6569–60–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 261106–0004]

RIN 0648–BN92

Coral, Coral Reefs, and Live/Hardbottom Habitats of the South Atlantic and the Shrimp Fishery of the South Atlantic Region; Amendments 11/12

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 11 to the Fishery Management Plan for Coral, Coral Reefs, and Live/Hardbottom Habitats of the South Atlantic (Coral FMP) and to implement Amendment 12 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (Shrimp FMP) (jointly Amendments 11/12), as prepared and submitted by the South Atlantic Fishery Management Council (Council). If implemented, this proposed rule would establish a shrimp fishery access area (SFAA) along the eastern boundary of the northern extension of the Oculina Bank Habitat Area of Particular Concern (OHAPC) where trawling for rock shrimp is currently prohibited. The purpose of this proposed rule is to reinstate access to historic rock shrimp fishing grounds, achieve optimum yield (OY) in the rock shrimp fishery, while minimizing impacts to deep-water corals in the OHAPC.

DATES: Written comments on the proposed rule must be received on or before December 14, 2026.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2026-1750.* You may submit comments on this document, identified by NOAA–NMFS–2026–1750, by either of the following methods:

- *Electronic Submission:* Submit comments electronically via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2026–1750 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Send written comments to Rick DeVictor, NMFS Southeast

Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period may not be considered by NMFS. All comments received are part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address) confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments—enter ''N/A'' in the required fields if you wish to remain anonymous.

An electronic copy of Amendments 11/12 is available from *https://www.regulations.gov* or from the Southeast Regional Office website at: *https://www.fisheries.noaa.gov/action/coral-amendment-11-shrimp-amendment-12-establish-shrimp-fishery-access-area.* Amendments 11/12 include an environmental assessment, a Regulatory Flexibility Act (RFA) analysis, regulatory impact review, and fishery impact statement.

FOR FURTHER INFORMATION CONTACT: Karla Gore, NMFS Southeast Regional Office, 727–824–5305, or *Karla.Gore@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS manages the coral and shrimp fisheries in Federal waters of the U.S. South Atlantic. The shrimp fishery in the South Atlantic region is managed under the Shrimp FMP. Coral, coral reefs, and live/hardbottom habitats of the South Atlantic region are managed under the Coral FMP. These FMPs were prepared by NMFS and the South Atlantic Fishery Management Council (Council) and are implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

This action is taken under the statutory authority of Magnuson-Stevens Act section 303(b)(2), which allows the designation of zones where, and periods when, fishing may be limited or permitted or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear.

Background

In 1984, NMFS published the final rule to implement the designation of a 92-square nautical mile (NM^2) portion of the Oculina Bank as the OHAPC (49 FR 29607, July 23, 1984) to protect a unique coral reef ecosystem of *Oculina varicosa* (ivory tree coral) found off the east coast of Florida (49 FR 29607, July 23, 1984). A habitat area of particular concern (HAPC) is a subset of Essential Fish Habitat (EFH) that is prioritized for conservation and management because it is ecologically important, particularly susceptible to human-induced environmental degradation, or rare. The OHAPC meets these criteria due to its high biodiversity, supporting over 70 species of fish and hundreds of species of invertebrates, as well as the presence of slow-growing coral pinnacles. As part of the OHAPC designation there is a prohibition on the use of bottom trawls, bottom longlines, dredges, traps, and pots within the OHAPC to mitigate the risk of damage by fishing gear to *Oculina* coral. Additionally, anchoring by all fishing vessels is prohibited within the OHAPC to prevent physical impact to the coral structures.

In 2000, the size of the OHAPC was expanded through Amendment 4 to the Coral FMP (65 FR 37292, June 14, 2000). In 2014, the OHAPC boundary was extended northward through Amendment 8 to the Coral FMP (Coral Amendment 8) (80 FR 42423, July 17, 2015). The proposed SFAA in Amendments 11/12 is located within the OHAPC area that was implemented through Coral Amendment 8.

Amendment 5 to the Shrimp FMP first required the use of a vessel monitoring system (VMS) by vessels allowed to fish for rock shrimp in the limited access program (68 FR 2188, January 16, 2003). In addition, Amendment 8 to the Coral FMP allowed fishermen to transit the OHAPC, with an increased VMS ping rate of one ping per 5 minutes during the transit time (80 FR 42423, July 17, 2015). Current regulations require the use of a NMFS-approved VMS for an owner or operator with a commercial vessel permit for rock shrimp in South Atlantic Federal waters.

During the development of Amendment 8, some participants within the rock shrimp industry noted to the Council that a narrow portion of the expanded OHAPC along the eastern boundary was a historically important rock shrimp fishing ground. Although the use of this area by the rock shrimp fleet is variable and depends on environmental conditions, industry representatives maintained that access to this narrow strip is critical for the economic viability of the fleet during periods when rock shrimp follow the Gulf Stream to the offshore side of the reef. Rock shrimp fishermen requested adjustment of the proposed OHAPC boundary expansion in Amendment 8 and provided coordinates for their important fishing grounds in the area proposed for the expansion of the OHAPC. Because this request from industry happened late in the development of Coral Amendment 8, the Council determined that it did not have sufficient time to evaluate the request, given concerns that included verification of the provided coordinates, as well as data on effort and yield of historic rock shrimp fishing in the proposed area. Therefore, it was decided not to change the proposed expansion of the OHAPC boundary contained in Coral Amendment 8, but instead to consider the fishermen's request of a possible OHAPC boundary adjustment through a new amendment to the Coral FMP.

In June 2020, the Council recommended the development of Amendment 10 to the Coral FMP (Coral Amendment 10) to consider options to create a SFAA in the OHAPC that would allow rock shrimp access to a historical fishing area. That action aligned with the Presidential Executive Order on Seafood Competitiveness and Economic Growth to ''reduce burdens on domestic fishing and to increase production within sustainable fisheries'' for commercial fishermen who have lost access to areas that had been traditionally fished (Executive Order (E.O.) 13921) (85 FR 28471, May 12, 2020). As discussed in Coral Amendment 10, the rock shrimp portion of the shrimp fishery has been consistently operating well below OY and maximum sustainable yield levels. The purpose of Coral Amendment 10 was to increase the economic and social benefits to rock shrimp fishermen by allowing access to historic rock shrimp fishing grounds.

The Council recommended approval of Coral Amendment 10 at its September 2021 meeting and submitted it to NMFS for Secretarial review in December 2021. On July 28, 2022, NMFS, on behalf of the Secretary of Commerce, disapproved Coral Amendment 10. Specifically, NMFS determined that Coral Amendment 10 and supporting analyses did not adequately demonstrate how the proposed action was consistent with Section 303(a)(7) of the Magnuson-Stevens Act, which requires FMPs to minimize, to the extent practicable, the adverse effects of fishing on EFH and to further the goals and objectives of the Coral FMP, specifically in regard to protection of EFH. Additionally, NMFS determined that Coral Amendment 10 did not demonstrate consistency with Section 301(a)(9) of the Magnuson-Stevens Act, which requires fishery conservation and management measures to minimize bycatch to the extent

practicable and, to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. The Magnuson-Stevens Act allows a Council to submit a revised amendment that addresses any identified deficiencies.

The Council developed Amendments 11/12 to address the deficiencies identified in Coral Amendment 10. Amendments 11/12 incorporate updated scientific data and analysis and amend the Shrimp FMP to address the need to achieve OY in the rock shrimp fishery.

While Coral Amendment 10 originally proposed changes only to the Coral FMP, Amendments 11/12 amend the Shrimp FMP as well to properly manage the rock shrimp fishery's access to the proposed SFAA and to ensure that fishery specific objectives, such as optimizing yield and protecting the interests of traditional users in the rock shrimp fishery, are met. Furthermore, amending both the Coral and the Shrimp FMPs ensures that the action to create an SFAA remains consistent with the objectives of the Coral FMP to optimize the benefits generated from coral resources while conserving the coral and minimizing adverse human impacts on sensitive habitat.

The Council's Deep-water Shrimp Advisory Panel (AP) supported the creation of an SFAA through Amendment 10 noting that shrimpers are experienced professionals who use high-resolution navigation and VMS to avoid sensitive habitat. The Deep-water Shrimp AP also noted that the area of the proposed SFAA has a history of trawling for rock shrimp and that the industry relies on a healthy reef ecosystem to support the shrimp population. However, the Coral AP and the Habitat and Ecosystem AP both expressed concern with the proposed SFAA in Amendment 10 and noted the risk of indirect damage from sedimentation plumes posed by rock shrimp trawling within the OHAPC, stating that fine particles stirred up by trawling can travel considerable distances and potentially smother coral polyps or larvae.

During the development of Amendments 11/12, these conflicting AP viewpoints on Amendment 10 were considered by the Council because the coordinates for the SFAA proposed by Amendment 10 and Amendments 11/12 are identical. The Council ultimately recommended the implementation of the SFAA, which is supported by new survey data and ongoing VMS monitoring, finding that it provides the best balance between historical rock shrimp fishing access and habitat protection. The boundary of the proposed SFAA also includes a buffer between it and known *Oculina* coral pinnacles to aid in decreasing potential sedimentation impacts from bottom trawling. Amendments 11/12 address the deficiencies of Coral Amendment 10 through inclusion of recent scientific surveys in the OHAPC and analysis on EFH, bycatch and habitat impacts, as well as how the proposed action meets the objectives of the Coral and Shrimp FMPs. Two new surveys are incorporated into the record in Amendments 11/12. In 2022, a NMFS Southeast Fisheries Science Center visual survey using a towed camera system covered approximately 35 kilometers over an area that included the proposed SFAA and found no evidence of live, dead, or rubble *Oculina* coral within the proposed SFAA. Additionally, in April 2025, the NOAA Ship *Nancy Foster* completed a high-resolution acoustic mapping expedition that included the area of the proposed SFAA. This mapping data confirms that the proposed SFAA consists of low-relief sandy and muddy bottoms, lacking the high-relief mounds required to support *Oculina* colonies.

As part of Amendments 11/12, a comprehensive bycatch practicability analysis (BPA) was developed to identify bycatch and habitat impacts that were not described in Coral Amendment 10. The BPA reviews rock shrimp fishery observer data from 2018 through 2022 and documents that bycatch in the rock shrimp fishery is primarily composed of non-managed invertebrates. The occurrence of South Atlantic snapper-grouper species managed by the Council and NMFS is negligible in any bycatch from the rock shrimp fishery. The BPA also addresses the risk of sedimentation on deep-water coral pinnacles. Based on the location of the proposed SFAA which is approximately 360 to 1,580 meters away from known coral pinnacles and the oceanographic currents in the area, this buffer is expected to minimize the risk of impacts from sedimentation plumes to coral habitat to the extent practicable. The BPA also concludes the use of specialized gear (Turtle Excluder Devices and Bycatch Reduction Devices), which combined with the sandy and muddy-bottom location of the SFAA, effectively minimizes bycatch mortality.

Management Measure Contained in This Proposed Rule

This proposed rule would establish an approximately 14.10 NM^2 SFAA along the eastern boundary of the northern extension of the OHAPC, in an area where fishing for rock shrimp is currently prohibited. Within the proposed SFAA, a shrimp vessel with a valid Federal limited access commercial vessel permit for rock shrimp would be allowed to bottom trawl for rock shrimp. All other existing restrictions in the OHAPC, including the prohibitions on anchoring and the use of bottom longline, dredge, pot, or trap gear, would continue to apply in the proposed SFAA (50 CFR 622.224(b)(1)(i)). Current regulations which require the use of a NMFS-approved VMS on a vessel for an owner or operator with a limited access endorsement for South Atlantic rock shrimp or a commercial vessel permit for rock shrimp in the South Atlantic Federal waters would remain unchanged in the OHAPC and the proposed SFAA. Vessels are required to maintain a VMS transmission rate of one position per 5 minutes when transiting through both areas or fishing in the SFAA (50 CFR 622.205 and 50 CFR 622.224(b)(1)(i)(C)). The current transmission rate is considered effective in monitoring fishing activity within and near the OHAPC. This proposed rule would also not change the current transit provisions for rock shrimp vessels within the OHAPC. Under these provisions, transit means a direct and non-stop continuous course through the area, maintaining a minimum speed of 5 knots as determined by an operating VMS and a VMS minimum ping rate of one ping per 5 minutes; fishing gear appropriately stowed means that doors and nets are out of the water (50 CFR 622.224(b)(1)(i)(C)).

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendments 11/12, the FMPs, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Senior Lead Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification follows. A copy of the full analysis is available from NMFS (see **ADDRESSES**). All monetary estimates in the following analysis are in 2024 dollars.

A description of this proposed rule, why it is being considered, and the

objectives of this proposed rule are contained in the **SUMMARY** and **SUPPLEMENTARY INFORMATION** sections of this proposed rule.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule.

Amendments 11/12 and this proposed rule would establish a SFAA along the eastern boundary of the northern extension of the OHAPC where holders of a valid limited access commercial vessel permit for rock shrimp in South Atlantic Federal waters would be able to fish for and possess rock shrimp. The Magnuson-Stevens Act serves as the legal basis for this proposed rule. The RFA requires NMFS to describe the impact of the proposed rule on small entities (5 U.S.C. 603). Small entities include small businesses, small organizations, and small governmental jurisdictions (5 U.S.C. 601(3)–(6)).

This proposed rule is expected to directly regulate all vessels with a valid or renewable commercial vessel permit for rock shrimp. From 2019 through 2023, the average number of vessels with a valid commercial vessel permit for rock shrimp per year was 101. During this time, the average number of vessels with a valid commercial vessel permit for rock shrimp that harvested rock shrimp from the South Atlantic Federal waters (*i.e.,* were active in the fishery) was 23, with a maximum of 35 vessels harvesting rock shrimp from the South Atlantic Federal waters in 2022. As of December 17, 2025, there were 100 vessels with a valid or renewable commercial vessel permit for rock shrimp. Thus, this proposed rule is assumed to directly regulate 100 vessels with a valid or renewable commercial vessel permit for rock shrimp, though it would be expected to only directly affect the 14 to 35 percent of permitted vessels that have harvested rock shrimp from South Atlantic Federal waters between 2019 and 2023.

NMFS does not possess complete ownership data for businesses that own vessels with a commercial vessel permit for rock shrimp. Therefore, it is not currently feasible to accurately determine affiliations between these particular businesses. Because of the incomplete ownership data, for purposes of this analysis, it is assumed each of these vessels is independently owned by a single business, which is expected to result in an overestimate of the actual number of businesses directly regulated by this proposed rule. Thus, this proposed rule is estimated to directly regulate 100 businesses in the commercial South Atlantic rock shrimp fishing industry.

In 2021 and 2022, for vessels with a valid commercial vessel permit for rock shrimp that were active in the South Atlantic rock shrimp fishery, total gross seafood revenue per vessel was about $869,012 on average per year. South Atlantic rock shrimp landings accounted for an average of approximately $219,358 or roughly 25 percent of total annual gross revenue per year. Most trips that harvest rock shrimp also harvest penaeid shrimp, and most vessels also harvest penaeid shrimp on separate trips in the South Atlantic. Average annual gross revenue per vessel from South Atlantic penaeid shrimp landings was $383,137, or about 44 percent of these vessels' total gross revenue per year. Many vessels are also relatively dependent on revenue from the Gulf of America shrimp fishery, which accounted for $260,006, or about 30 percent of these vessels' total gross revenue per year. Based on economic return estimates for these vessels in 2021 and 2022, net revenue from commercial fishing operations is estimated to be $70,919 per year on average, representing a profit margin of 8.2 percent. From 2019 through 2023, the maximum rock shrimp revenue earned by a single vessel (business) was approximately $813,000, while maximum total revenue of one vessel was $3.49 million (although only 4 percent of that was from rock shrimp).

For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (North American Industry Classification System (NAICS) code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. All of the commercial fishing businesses directly regulated by this proposed rule are determined to be small entities based on the NMFS size standard.

As discussed in the **SUPPLEMENTARY INFORMATION** section, this proposed rule would establish a narrow SFAA, approximately 14.10 NM^2 in total area (representing less than 3 percent of the current OHAPC), along the eastern boundary of the northern extension of the OHAPC. Given changes in fleet composition, variability in the size of the active, permitted fleet, and historical variability in use of the area, the economic effects of allowing currently permitted vessels to harvest rock shrimp from the proposed access area cannot be quantified. While the proposed SFAA could lead to incremental gains in landings and gross revenue, these positive economic effects are expected to be limited due to the small geographic footprint of the access area. Moreover, the proposed rule leaves general permit and gear requirements unchanged and requires a VMS transmission rate of one position per 5 minutes within the SFAA, which represents a small incremental communication cost compared to fishing outside the OHAPC. Balanced against these minor costs and spatial limits, the net economic benefits to vessel owners and operators are not expected to be significant.

Based on the above analysis, this proposed rule would not be expected to have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

List of Subjects in 50 CFR Part 622

Corals, Fisheries, Fishing, Shrimp, South Atlantic.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 6, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 622 as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF AMERICA, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

■ 2. In § 622.224, add paragraph (b)(3) and Table 1 to paragraph (b)(3) to read as follows:

§ 622.224 Area closures to protect South Atlantic corals.

* * * * *

(b) * * *

(3) *Rock shrimp fishery access area.* The provisions of paragraph (b)(1) of this section notwithstanding, an owner or operator of a vessel for which a valid limited access commercial vessel permit for rock shrimp (South Atlantic EEZ)

has been issued may trawl for rock shrimp in the following portion of the Oculina Bank HAPC. This area is bounded by rhumb lines connecting, in order, the following points:

TABLE 1 TO PARAGRAPH (b)(3)

Point	North lat.	West long.
Origin	29°17′31.98″	80°10′22.02″
1	29°10′58.98″	80°08′39.00″
2	29°03′34.98″	80°07′28.98″
3	28°54′25.02″	80°05′22.98″
4	28°48′36.00″	80°04′22.02″
5	28°30′00.00″	80°01′01.02″
6	28°30′00.00″	80°00′46.02″
7	28°46′00.84″	80°03′28.50″
8	28°48′37.14″	80°03′56.76″
9	28°53′18.36″	80°04′48.84″
10	29°11′19.62″	80°08′36.90″
11	29°17′33.96″	80°10′06.90″
Origin	29°17′31.98″	80°10′22.02″

* * * * *

[FR Doc. 2026–23020 Filed 11–10–26; 8:45 am]

BILLING CODE 3510–22–P