Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace in Hardy, VA.

History

The FAA published an NPRM for Docket No. FAA–2026–10543 in the **Federal Register** (91 FR 56810; September 4, 2026), proposing to establish Class E airspace in Hardy, VA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. Two comments were received. Both commenters supported the proposal, citing an improvement to the safety and efficiency of IFR helicopter operations at the heliport.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the latest version of that order, FAA Order JO 7400.11M, dated July 30, 2026, and effective September 15, 2026. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11M, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by establishing Class E airspace over Hardy, VA. This Class E airspace extends upward from 700 feet above the surface within a 6-mile radius of Carilion Westlake Center Heliport. This airspace is necessary to support IFR helicopter operations using the new SIAPs developed for the heliport.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Order 2100.6B, ''Rulemaking and Guidance Procedure'' (March 10, 2025); and (3) is expected to result in, at most, de minimis costs from compliance with applicable operating requirements or minor flight rerouting for operators choosing to navigate around the controlled airspace. Since these amendments are routine and the expected impact to operators is de minimis, the FAA certifies that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1G, ''FAA National Environmental Policy Act Implementing Procedures'' paragraph B–2.5(a). This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11M, Airspace Designations and Reporting Points, dated July 30, 2026, and effective September 15, 2026, is amended as follows:

6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA VA E5 Hardy, VA [New]

Carilion Westlake Center Heliport, VA
(Lat. 37°06′58″ N, long. 79°43′05″ W)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Carilion Westlake Center Heliport.

* * * * *

Issued in College Park, Georgia, on November 20, 2026.

Gregory R. Garmon,

Acting Manager, Airspace and Procedures North Team, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2026–23870 Filed 11–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31696; Amdt. No. 595]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en-route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective 0901 UTC, December 24, 2026.

FOR FURTHER INFORMATION CONTACT: Brian Murphy, Manager, Aeronautical Information Services, Aeronautical Information Group, Aeronautical Data Team, Federal Aviation Administration. Mailing Address: FAA Headquarters, Aeronautical Information Group, 800 Independence Ave. SW, Bldg. 10A, Room 507L, Washington, DC 20591. Telephone (202) 267–4389.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed

changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC on November 20, 2026.

Brian Murphy,

Manager, Aeronautical Information Services, Aeronautical Information Group, Aeronautical Data Team, Federal Aviation Administration.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, 24 Dec 2026.

PART 95—IFR ALTITUDES

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, and 14 CFR 11.49(b)(2).

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINTS

AMENDMENT 595

EFFECTIVE DATE December 24, 2026

§ 95.3000 LOW ALTITUDE RNAV ROUTES.

§ 95.321495 RNAV ROUTE T214.

From	To	MEA	MAA
Is Amended To Read in Part			
THMSN, NC WP *2400—MOCA	ZADEL, NC WP	*2900	17500

§ 95.3224 RNAV ROUTE T224.

From	To	MEA	MAA
Is Amended To Read in Part			
ECITY, SC WP	PEDAL, SC FIX	3700	17500
PEDAL, SC FIX	TUXDO, SC FIX	5300	17500

§ 95.3437 RNAV ROUTE T437.

From	To	MEA	MAA
Is Amended by Adding			
ZOOMS, WV FIX	RUFYO, WV WP	6300	17500
RUFYO, WV WP	GRNBR, WV WP	6800	17500
GRNBR, WV WP *5700—MCA KNEDL, WV WP, SE BND	*KNEDL, WV WP	6800	17500
KNEDL, WV WP	ELKINS, WV VORTAC	4900	17500

§ 95.3486 RNAV ROUTE T486.

From	To	MEA	MAA
Is Amended To Read in Part			
RRORY, TX WP	RAKOC, TX FIX	2500	17500

§ 95.3550 RNAV ROUTE T550.

From	To	MEA	MAA
Is Added To Read			
FRIDA, AK FIX	RUNTL, AK WP	6100	17500
RUNTL, AK WP	*KAYTI, AK WP	4200	17500
*3400—MCA KAYTI, AK WP, W BND			
KAYTI, AK WP	ANCHORAGE, AK VOR/DME	3000	17500

§ 95.6001 VICTOR ROUTES—U.S.

§ 95.6016 VOR FEDERAL AIRWAY V16.

From	To	MEA
Is Amended by Adding		
PENCE, TN FIX	WHINS, TN FIX	4000 MAA— 17500
Is Amended To Delete		
PENCE, TN FIX	TAKEN, TN FIX	4000 MAA— 17500
TAKEN, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	6000 MAA— 17500
HOLSTON MOUNTAIN, TN VORTAC	DAMAS, TN FIX	6000 MAA— 17500
DAMAS, TN FIX	*STOVE, VA FIX	7500 MAA— 17500
STOVE, VA FIX	SPEEL, VA FIX	6000 MAA— 17500
SPEEL, VA FIX	PULASKI, VA VORTAC	5400 MAA— 17500
Is Amended To Read in Part		
BONHAM, TX VORTAC	PARIS, TX VOR/DME	2500 MAA— 17500

§ 95.6020 VOR FEDERAL AIRWAY V20.

From	To	MEA
Is Amended To Read in Part		
ELECTRIC CITY, SC VORTAC	PEDAL, SC FIX	3700 MAA— 17500
PEDAL, SC FIX	TUXDO, SC FIX	5300 MAA— 17500

§ 95.6035 VOR FEDERAL AIRWAY V35.

From	To	MEA
Is Amended To Delete		
SUGARLOAF MOUNTAIN, NC VORTAC	*BUSIC, NC FIX	8800
*9000—MCA BUSIC, NC FIX, N BND		MAA—17500
BUSIC, NC FIX	*ROANS, TN FIX	9000
*9000—MCA ROANS, TN FIX, S BND		MAA—17500
ROANS, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	7000
		MAA—17500
HOLSTON MOUNTAIN, TN VORTAC	GLADE SPRING, VA VOR/DME	6700
		MAA—17500
Is Amended To Read in Part		
ELECTRIC CITY, SC VORTAC	PEDAL, SC FIX	3700
		MAA—17500
PEDAL, SC FIX	TUXDO, SC FIX	5300
		MAA—17500

§ 95.6037 VOR FEDERAL AIRWAY V37.

From	To	MEA
Is Amended by Adding		
COLUMBIA, SC VORTAC	*BLOTS, SC FIX	*4000
*4000—MRA		MAA—17500
*2400—MOCA.		
*2400—GNSS MEA.		
Is Amended To Delete		
COLUMBIA, SC VORTAC	RICHE, SC FIX	*4000
*2400—MOCA		MAA—17500
*2400—GNSS MEA.		
RICHE, SC FIX	CHARLOTTE, NC VOR/DME	2500
		MAA—17500
CHARLOTTE, NC VOR/DME	OWALT, NC FIX	3000
		MAA—17500
OWALT, NC FIX	JOTTA, NC FIX	*6000
*3500—MOCA		MAA—17500
JOTTA, NC FIX	DOILY, VA FIX	*7000
*5900—MOCA		MAA—17500
DOILY, VA FIX	PULASKI, VA VORTAC	6000
		MAA—17500

§ 95.6053 VOR FEDERAL AIRWAY V53.

From	To	MEA
Is Amended To Delete		
COLUMBIA, SC VORTAC	WILLS, SC FIX	UNUSABLE
*3500—MRA.		
WILLS, SC FIX	*SPARTANBURG, SC VORTAC	2700
*5200—MCA SPARTANBURG, SC VORTAC, NW BND		MAA—17500
SPARTANBURG, SC VORTAC	CARTT, SC FIX	6200
	NW BND	3000
	SE BND	MAA—17500
CARTT, SC FIX	SUGARLOAF MOUNTAIN, NC VORTAC	6200
		MAA—17500
SUGARLOAF MOUNTAIN, NC VORTAC	*BUSIC, NC FIX	8800
*9000—MCA BUSIC, NC FIX, N BND		MAA—17500
BUSIC, NC FIX	*ROANS, TN FIX	9000
*9000—MCA ROANS, TN FIX, S BND		MAA—17500
ROANS, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	7000
		MAA—17500

§ 95.6094 VOR FEDERAL AIRWAY V94.

From	To	MEA
Is Amended To Read in Part		
HYMAN, TX FIX	TUSCOLA, TX VOR/DME	*7500
*4300—MOCA		MAA—17500

§ 95.6112 VOR FEDERAL AIRWAY V112.

From	To	MEA
Is Amended To Read in Part		
DIANN, WA FIX	U.S. CANADIAN BORDER	*11000
*10000—MOCA		MAA—17500

§ 95.6124 VOR FEDERAL AIRWAY V124.

From	To	MEA
Is Amended To Read in Part		
BONHAM, TX VORTAC	PARIS, TX VOR/DME	2500
		MAA—17500

§ 95.6133 VOR FEDERAL AIRWAY V133.

From	To	MEA
Is Amended To Read in Part		
LINCO, NC FIX	*BARRETTS MOUNTAIN, NC VOR/DME	4000
*4100—MCA BARRETTS MOUNTAIN, NC VOR/DME, N BND.		MAA—17500
BARRETTS MOUNTAIN, NC VOR/DME	MULBE, NC FIX	
	S BND	5800
	N BND	7200
		MAA—17500
MULBE, NC FIX	*STOVE, VA FIX	7200
*13000—MCA STOVE, VA FIX, N BND		MAA—17500
STOVE, VA FIX	*CHARLESTON, WV VOR/DME	**13000
*13000—MCA CHARLESTON, WV VOR/DME, S BND		MAA—17500
**7000—MOCA		
**7000—GNSS MEA		

§ 95.6136 VOR FEDERAL AIRWAY V136.

From	To	MEA
Is Amended To Delete		
SNOWBIRD, TN VORTAC	AFTEN, TN FIX	7000
		MAA—17500
AFTEN, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	6000
		MAA—17500
HOLSTON MOUNTAIN, TN VORTAC	DAMAS, TN FIX	6000
		MAA—17500
DAMAS, TN FIX	*STOVE, VA FIX	7500
*7500—MCA STOVE, VA FIX, SW BND		MAA—17500
STOVE, VA FIX	SPEEL, VA FIX	6000
		MAA—17500
SPEEL, VA FIX	PULASKI, VA VORTAC	5400
		MAA—17500

§ 95.6171 VOR FEDERAL AIRWAY V171.

From	To	MEA
Is Amended To Read in Part		
ALEXANDRIA, MN VOR/DME	STARR, MN FIX	
*3100—MOCA	NW BND	*6000
	SE BND	*3600
		MAA—17500

§ 95.6259 VOR FEDERAL AIRWAY V259.

From	To	MEA
Is Amended To Delete		
MOPED, NC FIX	BARRETTS MOUNTAIN, NC VOR/DME	4000
		MAA—17500
BARRETTS MOUNTAIN, NC VOR/DME	GOWBE, NC FIX	
	SE BND	5000
	NW BND	7500
		MAA—17500
GOWBE, NC FIX	*HOLSTON MOUNTAIN, TN VORTAC	7500
*6600—MCA HOLSTON MOUNTAIN, TN VORTAC, SE BND.		MAA—17500
Is Amended To Read in Part		
CHESTERFIELD, SC VOR/DME	*HUSTN, NC FIX	2500
*4000—MRA		
		MAA—17500

§ 95.6278 VOR FEDERAL AIRWAY V278.

From	To	MEA
Is Amended To Read in Part		
BONHAM, TX VORTAC	PARIS, TX VOR/DME	2500
		MAA—17500

§ 95.6293 VOR FEDERAL AIRWAY V293.

From	To	MEA
Is Amended To Read in Part		
ELY, NV VOR/DME	*BULLION, NV VOR/DME	**16000
*10800—MCA BULLION, NV VOR/DME, SE BND		MAA—17500
**13200—MOCA		

§ 95.6310 VOR FEDERAL AIRWAY V310.

From	To	MEA
Is Amended To Delete		
LONDON, KY VOR/DME	ROSAR, KY FIX	
*4100—MOCA	SE BND	*6900
	NW BND	*5500
		MAA—17500
ROSAR, KY FIX	*HOLSTON MOUNTAIN, TN VORTAC	6900
*6900—MCA HOLSTON MOUNTAIN, TN VORTAC, E BND.		MAA—17500
HOLSTON MOUNTAIN, TN VORTAC	STAIN, TN FIX	6900
		MAA—17500
STAIN, TN FIX	*BURCH, NC FIX	8500
*8500—MCA BURCH, NC WP, W BND		MAA—17500

From	To	MEA
BURCH, NC FIX	GREENSBORO, NC VORTAC	3500 MAA—17500

§ 95.6364 VOR FEDERAL AIRWAY V364.

From	To	MEA
Is Amended To Delete		
SUGARLOAF MOUNTAIN, NC VORTAC	WEAKS, NC FIX	8000 MAA—17500
WEAKS, NC FIX	UNICO, TN FIX	*9000
*7700—MOCA		MAA—17500
*7700—GNSS MEA		
UNICO, TN FIX	HOLSTON MOUNTAIN, TN VORTAC	7000 MAA—17500

§ 95.6409 VOR FEDERAL AIRWAY V409.

From	To	MEA
Is Amended To Delete		
CHARLOTTE, NC VOR/DME	LOCAS, NC FIX	3100 MAA—17500

§ 95.6415 VOR FEDERAL AIRWAY V415.

From	To	MEA
Is Amended To Delete		
NELLO, GA FIX	FOOTHILLS, SC VOR/DME	6000 MAA—17500
FOOTHILLS, SC VOR/DME	PELAM, SC FIX	4000 MAA—17500
PELAM, SC FIX	SPARTANBURG, SC VORTAC	*3000
*2400—MOCA		MAA—17500
SPARTANBURG, SC VORTAC	LOCKS, SC FIX	2300 MAA—17500

§ 95.6466 VOR FEDERAL AIRWAY V466.

From	To	MEA
Is Amended To Read in Part		
YUMMY, VA FIX	GLADE SPRING, VA VOR/DME	UNUSABLE

§ 95.6472 VOR FEDERAL AIRWAY V472.

From	To	MEA
Is Amended To Read in Part		
ZAGGY, NC FIX	KINSToN, NC VORTAC	1800 MAA—17500

§ 95.6519 VOR FEDERAL AIRWAY V519.

From	To	MEA
Is Amended To Read in Part		
YUMMY, VA FIX	GLADE SPRING, VA VOR/DME	UNUSABLE

§ 95.6605 VOR FEDERAL AIRWAY V605.

From	To	MEA
Is Amended To Delete		
GENOD, NC FIX *8500—MCA HOLSTON MOUNTAIN, TN VORTAC, S BND. **8500—MOCA	*HOLSTON MOUNTAIN, TN VORTAC	**10000 MAA—17500
Is Amended To Read in Part		
SPARTANBURG, SC VORTAC	GENOD, NC FIX	4400 MAA—17500

§ 95.6320 ALASKA VOR FEDERAL AIRWAY V320.

From	To	MEA
Is Amended To Delete		
MC GRATH, AK VORTAC	ERLAN, AK FIX	
	E BND	10000
	W BND	5000
		MAA—17500
ERLAN, AK FIX	WINOR, AK FIX	UNUSABLE
WINOR, AK FIX *9500—MRA	*FRIDA, AK FIX	UNUSABLE
FRIDA, AK FIX	RUNTL, AK FIX	8500
		MAA—17500
RUNTL, AK FIX	KAYTI, AK FIX	6400
		MAA—17500
KAYTI, AK FIX	*ANCHORAGE, AK VOR/DME	3700
*6000—MCA ANCHORAGE, AK VOR/DME, SE BND		MAA—17500
ANCHORAGE, AK VOR/DME	HOPER, AK FIX	
	SE BND	10000
	NW BND	6500
		MAA—17500
HOPER, AK FIX	NELLI, AK FIX	10000
		MAA—17500
NELLI, AK FIX	KEBAB, AK FIX	
	NW BND	10000
	SE BND	5000
		MAA—17500
KEBAB, AK FIX	JOHNSTONE POINT, AK VOR/DME	5000
		MAA—17500

§ 95.7001 JET ROUTES.

§ 95.7006 JET ROUTE J6.

From	To	MEA	MAA
Is Amended To Read in Part			
ALBUQUERQUE, NM VORTAC	TUCUMCARI, NM VORTAC	22000	45000

§ 95.7078 JET ROUTE J78.

From	To	MEA	MAA
Is Amended To Read in Part			
ALBUQUERQUE, NM VORTAC	TUCUMCARI, NM VORTAC	22000	45000

§ 95.7083 JET ROUTE J83.

From	To	MEA	MAA
Is Amended To Delete			
SPARTANBURG, SC VORTAC	APPLETON, OH VORTAC	23000	45000

§ 95.7085 JET ROUTE J85.

From	To	MEA	MAA
Is Amended To Delete			
SPARTANBURG, SC VORTAC	CHARLESTON, WV VOR/DME	18000	45000

§ 95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS.

Airway Segment		Changeover Points	
From	To	Distance	From
V16 Is Amended To Delete Changeover Point			
VOLUNTEER, TN VORTAC	HOLSTON MOUNTAIN, TN VORTAC	38	VOLUNTEER
V20 Is Amended To Add Changeover Point			
ELECTRIC CITY, SC VORTAC	SUGARLOAF MOUNTAIN, NC VORTAC	40	ELECTRIC CITY
V293 Is Amended To Modify Changeover Point			
ELY, NV VOR/DME	BULLION, NV VOR/DME	20	ELY
V35 Is Amended To Add Changeover Point			
ELECTRIC CITY, SC VORTAC	SUGARLOAF MOUNTAIN, NC VORTAC	40	ELECTRIC CITY
V37 Is Amended To Delete Changeover Point			
CHARLOTTE, NC VOR/DME	PULASKI, VA VORTAC	26	CHARLOTTE
ALASKA V320 Is Amended To Delete Changeover Point			
MC GRATH, AK VORTAC	ANCHORAGE, AK VOR/DME	95	MC GRATH

§ 95.8005 JET ROUTES CHANGEOVER POINTS.

Airway Segment		Changeover Points	
From	To	Distance	From
J6 Is Amended To Add Changeover Point			
ALBUQUERQUE, NM VORTAC	TUCUMCARI, NM VORTAC	40	ALBU-QUERQUE

Airway Segment		Changeover Points	
From	To	Distance	From
J18 Is Amended To Add Changeover Point			
ALBUQUERQUE, NM VORTAC	FORT UNION, NM VORTAC	40	ALBUQUERQUE
J78 Is Amended To Add Changeover Point			
ALBUQUERQUE, NM VORTAC	TUCUMCARI, NM VORTAC	40	ALBUQUERQUE

[FR Doc. 2026–23900 Filed 11–23–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM26–13–000; Order No. 920]

RIN 1902–AG51

Denial of Rehearing Requests by Operation of Law Under the Commission's Rules of Practice and Procedure

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is revising its regulations addressing the circumstances under which a request for rehearing is denied absent Commission action within a particular time frame. Currently, the Commission's regulations provide that unless the Commission acts upon a request for rehearing within 30 days after the request is filed, the request is denied. As revised in this final rule, the regulation will apply only to matters subject to the rehearing and judicial review provisions in the Federal Power Act (FPA) and Natural Gas Act (NGA).

DATES: This rule is effective December 24, 2026.

FOR FURTHER INFORMATION CONTACT: Benjamin Carlisle, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. (202) 502–6040. *benjamin.carlisle@ferc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Commission Rule of Practice and Procedure 713(f)

1. In this final rule, the Federal Energy Regulatory Commission (Commission) is revising Part 385 of its Rules of Practice and Procedure to modify the circumstances under which a request for rehearing is denied absent Commission action within a particular time frame. Currently, Rule 713(f) of the Commission's regulations provides that unless the Commission acts upon a request for rehearing within 30 days after the request is filed, the request is denied.[1] As revised, Rule 713(f) will be applicable only to matters subject to the rehearing and judicial review provisions in the Federal Power Act (FPA) [2] and Natural Gas Act (NGA) [3] and will continue to provide that as to such matters, a request for rehearing is denied unless the Commission acts upon that request within 30 days after the request is filed.

2. Under both the NGA and the FPA, if a party seeks rehearing of an order issued by the Commission, and if the Commission does not ''act[ ] upon'' the rehearing request within 30 days after it is filed, then rehearing ''may be deemed to have been denied.'' [4] At that point, an aggrieved rehearing applicant may file a petition for judicial review of the Commission's orders within 60 days.[5] Until the administrative record is filed with the court, the Commission may ''modify or set aside, in whole or in part,'' its orders without leave of court.[6]

3. Rule 713(f) was first promulgated to effectuate the statutory process under the FPA and NGA and remove ambiguity regarding whether a request for rehearing remains pending if the Commission does not act on that request during the 30-day period specified in those statutes. In particular, the Federal Power Commission (FPC) promulgated what is now Rule 713(f) in response to the 1953 decision of the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *Texas-Ohio Gas Co.* v. *FPC*.[7] On the facts of that case, the court disagreed with the FPC's position that a rehearing applicant had failed to timely petition for review within the requisite 60 days under NGA section 19(b) where the Commission had issued neither an order nor a notice addressing the rehearing request.[8] In reaching its decision, the court explained that ''[t]he literal terms of Section 19(a) . . . are that the application may be deemed to have been denied, not that it must be.'' [9] The court inferred that Congress's primary intent was ''to permit an appeal to the courts by a disappointed litigant as soon as thirty days have passed, without waiting longer for the Commission to act

[1] 18 CFR 385.713(f).

[2] 16 U.S.C. 825*l*.

[3] 15 U.S.C. 717r.

[4] 15 U.S.C. 717r(a); 16 U.S.C. 825*l*(a).

[5] 15 U.S.C. 717r(b); 16 U.S.C. 825*l*(b).

[6] 15 U.S.C. 717r(a); 16 U.S.C. 825*l*(a); *see also* 15 U.S.C. 717r(b) (providing that the jurisdiction of the court shall become ''exclusive'' upon the filing of the record); 16 U.S.C. 825*l*(b) (same); *Allegheny Def. Project* v. *FERC,* 964 F.3d 1, 16–17 (D.C. Cir. 2020) (en banc).

[7] 207 F.2d 615 (D.C. Cir. 1953) (*Texas-Ohio*). Under the 1977 Department of Energy Organization Act, Public Law 95–91, codified in part at 42 U.S.C. 7111 *et seq.,* most of the FPC's functions were transferred to the Commission. *Trunkline LNG Co.,* 57 FERC ¶ 61,112, at 61,420 (1991).

[8] The aggrieved party in *Texas-Ohio* timely sought rehearing of an order the FPC had issued under the Natural Gas Act. The Commission took no action on the request for rehearing within the 30 days after it was filed. On the 32nd day after the rehearing request was filed, the party received notice from the Acting Secretary of the FPC that rehearing had been denied. That party filed a petition for review 59 days after receiving that notice. The FPC moved to dismiss the petition as untimely, reasoning that the FPC ''must be deemed to have issued . . . an order denying'' rehearing on the 30th day after the request for rehearing was filed. *Texas-Ohio,* 207 F.2d at 616. Under that logic, the petition would have been untimely, as it was filed 62 days after the ''deemed'' denial of rehearing (albeit 59 days after the party received actual notice of the denial). The D.C. Circuit denied the FPC's motion to dismiss because, ''[u]nder the circumstances'' of that case, the petition for review ''satisfied'' the timeliness requirements of the NGA. *Id.* at 617.

[9] *Id.* at 616.