

#### 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. 4321–4370f), 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 security 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; Department of Homeland Security Delegation No. 00170.1, Revision No. 01.4.

- 2. Add 165.T08–0071 to read as follows:

##### **§ 165.T08–0071 Security Zone; Corpus Christi and La Quinta Ship Channels, Corpus Christi, TX.**

(a) *Location.* The following area is a security zone: all navigable waters encompassing a 500-yard radius around the M/V COBIA LNG and M/V ORION SUN while the vessels are loaded with cargo and in the Corpus Christi or La Quinta Ship Channels.

(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 Corpus Christi (COTP) in the enforcement of the security zone.

(c) *Regulations.* (1) Under the general security zone regulations in subpart D of this part, you may not enter the security 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 1–800–874–2143. Those in the security zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement periods.* While in effect (until January 22, 2026), this section will only be subject to enforcement during the times the ships are loaded and underway. The COTP or a designated representative will inform the public through Broadcast Notices to Mariners (BNMs) and/or Marine Safety Information Bulletins (MSIBs) of the enforcement times and dates for this security zone.

**T.H. Bertheau,**

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

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#### POSTAL REGULATORY COMMISSION

##### 39 CFR Part 3030

[Docket Nos. RM2021–2, RM2022–5, RM2022–6, and RM2024–4; Order No. 9426]

**RIN 3211–AA37**

##### **System for Regulating Rates and Classes for Market Dominant Products**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission revises its rules to restrict the Postal Service from increasing rates above the *de minimis* threshold for Market Dominant products more than once per fiscal year (through fiscal year 2030) and to restrict the Postal Service from setting workshare discounts farther away from their avoided costs. These revisions aim to support a system design that achieves the statutory objectives, considering the statutory factors.

**DATES:** *Effective:* February 17, 2026.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

##### **SUPPLEMENTARY INFORMATION:**

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### I. Background

On April 5, 2024, the Commission issued an Advance Notice of Proposed Rulemaking seeking comments on the Commission's review of the system for regulating rates and classes for Market Dominant products (ratemaking system).<sup>1</sup> In Order No. 8891, the Commission determined that the system for regulating rates and classes for Market Dominant products was not achieving the objectives appearing in 39 U.S.C. 3622(b), taking into account the factors in 39 U.S.C. 3622(c) and has determined to undertake a phased approach to considering modifications necessary to achieve the statutory objectives.<sup>2</sup>

On June 9, 2025, the Commission announced its consideration of and sought public comment on two proposed revisions to the ratemaking system for Phase 2(a) of this proceeding.<sup>3</sup> After considering comments, the Commission finalizes both revisions with minor alterations.

### II. Basis for Final Rules

Pursuant to 39 U.S.C. 503 and 3622, the Commission adopts the rules proposed in Order No. 8893 with minor alterations as discussed below. Both revisions are necessary to address areas that frustrate the ability of the ratemaking system to achieve the statutory objectives found in 39 U.S.C. 3622. Balancing the statutory objectives and considering the statutory factors has required the Commission to consider the necessary tradeoffs in designing the system. The Commission adopts both revisions in Phase 2(a) because they are comparatively simpler needed changes to the system and important first steps aimed at achieving relevant statutory objectives in conjunction with each other.

### III. Final Rules

First, the Commission will restrict the Postal Service from adjusting rates of general applicability for Market Dominant products more than once per

fiscal year, unless such rate adjustment filings only include rate decreases or are *de minimis* rate increases. The Commission adjusts the implementation period to March 1, 2026 through September 30, 2030. The Commission considers the Postal Service's claims regarding any potential negative impacts to the achievement of Objectives 4, 5, and 8 to be overstated and outweighed by the beneficial effects to the achievement of Objectives 1, 2, and 6, and considers Factors 3, 7, 12, and 14. *See generally* 39 U.S.C. 3622(b) and (c). Therefore, on balance, the Commission finds adopting the rule change to be beneficial and a necessary modification to the ratemaking system's design.

Second, the Commission corrects a regulatory gap to ensure that workshare discounts remain as close to avoided costs as possible. The Commission adjusts the existing rule governing application for waiver to allow the Postal Service to seek waiver of the new workshare discount rule under limited circumstances. As amended, the final rule balances the statutory objectives by advancing the goals of Objectives 1, 2, and 5, while continuing to allow pricing flexibility under Objective 4. The benefits of adopting this rule change outweigh the minimal limitations on the Postal Service's pricing flexibility—especially considering the expansion of the waiver process. Consideration of Factors 5, 7, 12, and 14 also supports adopting this rule change. *See generally* 39 U.S.C. 3622(b) and (c).

#### List of Subjects in 39 CFR Part 3030

Administrative practice and procedure, Fees, Postal Service.

For the reasons stated in the preamble, the Commission amends 39 CFR part 3030 as follows:

#### PART 3030—REGULATION OF RATES FOR MARKET DOMINANT PRODUCTS

■ 1. The authority citation for part 3030 continues to read as follows:

**Authority:** 39 U.S.C. 503; 3622.

■ 2. Add § 3030.103 to read as follows:

##### § 3030.103 Implementation of rate adjustments.

(a) Except as described in paragraph (b) of this section, effective March 1, 2026, through September 30, 2030, the Postal Service may not adjust rates of general applicability for Market Dominant products using the rate authorities provided under subparts C through H of this part more than one time each fiscal year.

(b) Rate adjustment filings that only include rate decreases calculated pursuant to § 3030.244 or are de

minimis rate increases compliant with § 3030.129 are not subject to paragraph (a) of this section.

■ 3. In § 3030.282, add paragraph (d) to read as follows:

##### § 3030.282 Increased pricing efficiency.

\* \* \* \* \*

(d) No proposal to adjust a rate associated with a workshare discount may increase the absolute value of the difference between the workshare discount and the cost avoided by the Postal Service for not providing the applicable service, unless it is set in accordance with a Commission order issued pursuant to § 3030.286.

■ 4. In § 3030.286, revise paragraphs (a) and (b) to read as follows:

##### § 3030.286 Application for waiver.

(a) In every instance in which the Postal Service determines to adjust a rate associated with a workshare discount in a manner that does not comply with the limitations imposed by §§ 3030.282(d) and 3030.283 through 3030.284, the Postal Service shall file an application for waiver. The Postal Service must file any application for waiver at least 60 days prior to filing the proposal to adjust a rate associated with the applicable workshare discount. In its application for waiver, the Postal Service shall indicate the approximate filing date for its next rate adjustment filing.

(b) The application for waiver shall be supported by a preponderance of the evidence and demonstrate that a waiver from the limitations imposed by §§ 3030.282(d) and 3030.283 through 3030.284 should be granted. Preponderance of the evidence means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

\* \* \* \* \*

By the Commission, Commissioner Ann C. Fisher dissenting.

**Mallory S. Richards,**  
*Attorney-Advisor.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 26–11; FR ID 325284]

### Radio Broadcasting Services; Various Locations

**AGENCY:** Federal Communications Commission.

<sup>1</sup> Advance Notice of Proposed Rulemaking on the Statutory Review of the System for Regulating Rates and Class for Market Dominant Products, April 5, 2025 (Order No. 7032).

<sup>2</sup> Order Presenting Findings on the Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products (Phase 1 Completion), June 9, 2025 (Order No. 8891); Procedural Order on Phased Rulemaking, June 9, 2025 (Order No. 8892).

<sup>3</sup> *See generally* Notice of Proposed Rulemaking on the Statutory Review of the System for Regulating Rates and Classes for Market Dominant Products (Phase 2A Initiation), June 9, 2025 (Order No. 8893); *see also* Order No. 8892 at 4.