

(h) *System safety assessment.* The applicant must perform a system safety assessment. This assessment must identify faults or failures that affect normal operation, together with the predicted frequency of occurrence of these faults or failures. The intended aircraft application must be taken into account to assure the assessment of the engine system safety is valid. The rates of hazardous and major faults must be declared, documented, and provided to the installer as part of the requirements in § 33.5.

Issued in Kansas City, Missouri, on January 22, 2026.

Patrick R. Mullen,

Manager, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 816

[Docket ID: OSM-2025-0025 S1D1S
SS08011000 SX064A000 256S180110;
S2D2S SS08011000 SX064A000
25XS501520]

RIN 1029-AD03

Backfilling and Grading

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; delay of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is delaying the effective date of the direct final rule “Backfilling and Grading,” published on November 28, 2025. The direct final rule rescinded a regulation that prescribed time and distance performance standards for the completion of rough backfilling and grading for surface mining operations, which was suspended by the Secretary of the Interior in 1992 but never removed from the Code of Federal Regulations. During the comment period, OSM received comments that require further review and consideration to determine whether they are significant adverse comments warranting a response, withdrawal, or modification of the final rule.

DATES: As of January 27, 2026, the effective date of the direct final rule published November 28, 2025, at 90 FR 54573 is delayed until March 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Tyree, Chief, Division of Regulatory Support, (202) 208-4479, jtyree@osmre.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54573 included a 30-day public comment period that ended on December 29, 2025. The effective date of the direct final rule was January 27, 2026.

As explained in the direct final rule, the inoperative regulation intended to be removed in this rulemaking was, after a series of rule promulgations and lawsuits, suspended in 1992. 30 CFR 816.101 has not had any legal effect since 1992 but remained in the Code of Federal Regulations because OSM never completed the necessary steps to remove the language.

The Department and OSM maintain the position that it is confusing to allow inoperative provisions to remain in the Federal regulations. However, at the close of the comment period, OSM received several comments on the direct final rule that may be considered significant adverse comments. OSM has determined that the effective date of the direct final rule should be delayed by 60 days to allow it additional time to review and consider whether one or more of the comments received on the direct final rule are significant adverse comments warranting a response, withdrawal, or modification of the final rule.

Lanny E. Erdos,

Acting Assistant Secretary, Land and Minerals Management.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 816 and 817

[Docket No. OSM-2025-0010; S1D1S
SS08011000 SX064A000 256S180110;
S2D2S SS08011000 SX064A000
25XS501520]

RIN 1029-AC92

Rescission of Portions of Permanent Program Performance Standards Related to Siltation Structures

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is confirming the effective date of January 27, 2026, for the direct final rule “Rescission of Portions of Permanent Program Performance Standards Related to Siltation Structures,” published on November 28, 2025. The direct final rule removes paragraphs that required that all surface drainage from the disturbed area pass through a siltation structure before leaving the permit area. These provisions were struck down by a reviewing court in 1985 and have no legal effect but were never removed from the Code of Federal Regulations. During the comment period, OSM received one substantive comment. That comment was not a significant adverse comment because it did not effectively challenge the rule’s underlying premise or approach or explain why the rule would be inappropriate without a change. As a result, the comment does not warrant a delay of the effective date.

DATES: The effective date of the rule is January 27, 2026.

FOR FURTHER INFORMATION CONTACT:

James Tyree, Division of Regulatory Support, (202) 208-4479, jtyree@osmre.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54575 will become effective on January 27, 2026. OSM received one substantive comment on the direct final rule during the comment period, but that comment was not a significant adverse comment and

does not warrant withdrawal or the issuance of a new final rule because the commenter misunderstands the effect of the rule and OSM's rationale for pursuing this revision through a direct final rule.

The commenter first argues that the removal of 30 CFR 816.46(b)(2) and 817.46(b)(2) are not appropriate through a direct final rule because the provisions relate to the prevention of damage to the hydrologic balance outside the permit area and that any OSM rule related to water quality is controversial due to concerns about water quality degradation from coal mines. However, this comment misunderstands the reason OSM is removing these provisions. Despite defending these provisions in court, the United States District Court for the District of Columbia remanded these provisions to OSM on July 15, 1985, because the court found OSM's rationale for these provisions flawed, and OSM later suspended them. These provisions have been suspended for forty years and removing them from the Code of Federal Regulations now will have no effect on whether or not siltation structures are required on surface coal mining and reclamation operations because these provisions are not enforceable and have no legal effect.

The commenter noted that the court in the *In Re Permanent Surface Mining Regulation Litigation* case did not determine that the Secretary lacked authority to determine what technology or technologies constituted the best technology currently available and argue that, because OSM does not lack authority to determine what technology constituted the best technology currently available, OSM should not remove the inoperative language without conducting notice and comment rulemaking. While it is true that OSM is not prohibited from conducting a rulemaking on this topic, the language to be removed in this direct final rule has been inoperative for 40 years. With this direct final rule, OSM is not proposing a change to the regulations in effect, it is merely removing language that has no application and could be confusing to someone without deep familiarity with the history of the SMCRA implementing regulations and esoteric procedures related to the Code of Federal Regulations. Removing inoperative language will not impact the current requirements of SMCRA, the Federal regulations, or impact water quality on or near surface coal mines.

Finally, the commenter alleged that removal of language vacated by a court through a direct final rule is not

appropriate because it does not make notice and comment under 5 U.S.C. 553 "impracticable, unnecessary, or contrary to the public interest." OSM disagrees. Certainly, if OSM were to propose new language to address the court's concerns, notice and comment rulemaking would be necessary. However, here, the provision cannot be enforced, has been suspended for forty years, and is merely being removed to avoid confusion. To invite comment on the deletion of language invalidated by a court forty years ago would be a waste of the public's time.

After considering this comment, OSM has determined that it is not a significant adverse comment and does not warrant delaying the effective date of this final rule.

Lanny E. Erdos,

Acting Assistant Secretary, Land and Minerals Management.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 817

[Docket No. OSM-2025-0009; S1D1S SS08011000 SX064A000 256S180110; S2D2S SS08011000 SX064A000 25XS501520]

RIN 1029-AC91

Rescission of Portions of Permanent Program Performance Standards Regulating Subsidence Controls for Underground Mines

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is confirming the effective date of January 27, 2026, for the direct final rule "Rescission of Portions of Permanent Program Performance Standards Regulating Subsidence Controls for Underground Mines," published on November 28, 2025. The direct final rule lifts the suspension of the regulatory provision and revises the Federal regulations to remove paragraphs related to establishing a rebuttable presumption of causation for damage to any non-commercial building or occupied residential dwelling or structure related thereto that occurs as a result of earth movement within an area determined by projecting a

specified angle of draw from the outermost boundary of any underground mine workings to the surface of the land. During the comment period, OSM received one substantive comment. That comment was not a significant adverse comment because it did not effectively challenge the rule's underlying premise or approach or explain why the rule would be inappropriate without a change. As a result, the comment does not warrant a delay of the effective date.

DATES: The effective date of the rule published November 28, 2025, at 90 FR 54577 is confirmed as January 27, 2026.

FOR FURTHER INFORMATION CONTACT:

James Tyree, Division of Regulatory Support, (202) 208-4479, *jtyree@osmre.gov*. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The direct final rule published at 90 FR 54577 will become effective on January 27, 2026.

Over 25 years ago, the provisions identified in the direct final rule were struck down on judicial review because the court found that OSM failed to provide adequate support to justify its presumption that damage was the result of mining within the angle of draw. *Nat'l Mining Ass'n v. Babbitt*, 172 F.3d 906, 912 (1999). In response to the court's holding, OSM suspended these provisions on December 22, 1999, but did not remove the language from the Code of Federal Regulations. 64 FR 71652, 71653 (Dec. 22, 1999). As noted in the November 28, 2025, direct final rule and request for comments, OSM determined that the suspension should be lifted and paragraphs (c)(4)(i) through (c)(4)(iv) of 30 CFR 817.121 should be rescinded because they were vacated by court order in 1999 and it is confusing to allow these inoperative provisions to remain in the Federal regulations.

At the close of the comment period, OSM received one comment on this rule expressing opposition to the elimination of the suspended language without notice and comment rulemaking. The commenter argued that deleting the language creating a rebuttable presumption of causation for damage to any non-commercial building or occupied dwelling or structure would be controversial because the result would be to add to the evidentiary burden of a citizen seeking redress for damage occurring near an underground