

### A. Written Comments

Submit your comments, identified by Docket ID No. EPA-R05-SFUND-2025-2037, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

**Michael D. Harris,**

*Director, Superfund & Emergency Management Division, Region 5.*

[FR Doc. 2026-05639 Filed 3-20-26; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

[FRL-13237-01-R8]

#### Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Holly Energy Partners, L.P.—Denver Products Terminal

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petition.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an order dated January 6, 2026, denying a petition dated September 2, 2025, from the Center for Biological Diversity (CBD). The petition requested that the EPA object to a Clean Air Act (CAA) operating permit issued by the Colorado Department of Public Health and Environment (CDPHE) to Holly Energy Partners, L.P. for its Denver Products Terminal located in Adams County, Colorado.

**FOR FURTHER INFORMATION CONTACT:** Zachary Stewart, EPA Region 8 Air and Radiation Division, 10 W. 15th Street, Suite 3200, Mail code: 8ARD-MO, Helena, MT 59626, telephone number: (406) 457-5034, email address: [stewart.zachary@epa.gov](mailto:stewart.zachary@epa.gov). The final order and petition are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

**SUPPLEMENTARY INFORMATION:** The EPA received a petition from CBD dated September 2, 2025, requesting the EPA object to the issuance of title V operating permit no. 96OPAD172 issued by CDPHE to Holly Energy Partners, L.P. for its Denver Products Terminal located in Adams County, Colorado. On January 6, 2026, the EPA Administrator issued an order denying the petition. The order itself explains the basis for the EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than May 22, 2026.

**Cyrus M. Western,**

*Regional Administrator, Region 8.*

[FR Doc. 2026-05641 Filed 3-20-26; 8:45 am]

**BILLING CODE 6560-50-P**

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Sunshine Act Meetings

**TIME AND DATE:** 10:15 a.m. on Thursday, March 19, 2026.

**PLACE:** The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW, Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** The Board of Directors of the Federal Deposit Insurance Corporation met to consider matters related to the Corporation's resolution, supervision, and corporate activities. In calling the meeting, the Board determined, on motion of Director Jonathan V. Gould (Comptroller of the Currency), seconded by Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), by the unanimous vote of Chairman Travis Hill, Director Jonathan V. Gould (Comptroller of the Currency), and Director Russell Vought (Acting Director, Consumer Financial Protection Bureau), that Corporation business required its consideration of the matters

which were to be the subject of this meeting on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A), (c)(9)(B), and (c)(10)).

#### CONTACT PERSON FOR MORE INFORMATION:

For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at [FDICBoardMatters@fdic.gov](mailto:FDICBoardMatters@fdic.gov).

Dated at Washington, DC, on March 19, 2026.

Federal Deposit Insurance Corporation.

**Debra A. Decker,**

*Executive Secretary.*

[FR Doc. 2026-05644 Filed 3-19-26; 4:15 pm]

**BILLING CODE 6714-01-P**

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Sunshine Act Meetings; Notice of Meeting Held With Less Than Seven Days' Advance Notice

**TIME AND DATE:** 10:00 a.m. on March 19, 2026. **PLACE:** The meeting was held in the FDIC Board Room, 550 17th Street NW, Washington, DC, with less than seven days' advance notice and was webcast to the public.

**STATUS:** Open to public observation via webcast.

**MATTERS TO BE CONSIDERED:** Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is given that the Federal Deposit Insurance Corporation's Board of Directors met in open session to consider the following matters:

#### Discussion Agenda

*Notice of Proposed Rulemaking:* Regulatory Capital Rule: Category I and II Banking Organizations, Banking Organizations with Significant Trading Activity, and Optional Adoption for Other Banking Organizations.

*Notice of Proposed Rulemaking:* Regulatory Capital Rules: Regulatory Capital and Standardized Approach for Risk-weighted Assets.

#### Summary Agenda

*Final Rule:* Clarification of Deposit Insurance Coverage for Branches of U.S. Banks in the Federated States of Micronesia, the Marshall Islands, and Palau.

Rescission of Statement of Policy on Qualifications for Failed Bank Acquisitions.

Minutes of Board of Directors' Meeting Previously Distributed.

**CONTACT PERSON FOR MORE INFORMATION:**

For further information, please contact Debra A. Decker, Executive Secretary, FDIC, at [FDICBoardMatters@fdic.gov](mailto:FDICBoardMatters@fdic.gov).

(Authority: 5 U.S.C. 552b.)

Dated at Washington, DC, on March 19, 2026.

FEDERAL DEPOSIT INSURANCE CORPORATION

**Debra A. Decker,**

*Executive Secretary.*

[FR Doc. 2026-05645 Filed 3-19-26; 4:15 pm]

**BILLING CODE 6714-01-P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**RIN 3064-ZA54**

**Recission of the Statement of Policy on Qualifications for Failed Bank Acquisitions**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Rescission of the Statement of Policy on Qualifications for Failed Bank Acquisitions.

**SUMMARY:** The Federal Deposit Insurance Corporation (FDIC) is taking final action to rescind the Statement of Policy on Qualifications for Failed Bank Acquisitions issued in 2009 and related questions and answers posted on its website in 2010.

**DATES:** The rescission is effective March 23, 2026.

**FOR FURTHER INFORMATION CONTACT:**

Division of Risk Management Supervision: Sandra Macias, Chief, Risk Management Applications Section, (202) 898-3642, [smacias@fdic.gov](mailto:smacias@fdic.gov); Legal Division: Annmarie Boyd, Assistant General Counsel, (202) 898-3714, [aboyd@fdic.gov](mailto:aboyd@fdic.gov); Merritt Pardini, Counsel, (202) 898-6680, [mpardini@fdic.gov](mailto:mpardini@fdic.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 2, 2009, the FDIC published a Statement of Policy on Qualifications for Failed Bank Acquisitions (Statement of Policy) following a 30-day comment period, with certain changes based on comments received.<sup>1</sup> In January 2010 and April 2010, the FDIC posted online

questions and answers on aspects of the Statement of Policy.<sup>2</sup>

The Statement of Policy was issued to provide guidance to private capital investors interested in acquiring the deposit liabilities, or both the liabilities and assets, of failed insured depository institutions, regarding the terms and conditions for such investments or acquisitions. In so doing, it established extensive terms and conditions that private capital investors were expected to satisfy before they could become eligible to bid on a failing institution. Since its publication, these standards have been applied to (1) private investors in certain companies that sought to assume deposit liabilities or both such deposit liabilities and assets from the resolution of a failed insured depository institution; and (2) private capital investors involved in applications for deposit insurance in conjunction with *de novo* charters issued in connection with the resolution of failed insured depository institutions.

The Statement of Policy included onerous and highly prescriptive measures, including capital standards that would not be applicable in any other failed bank acquisitions; imposition of an agreement to a cross guarantee with respect to substantially commonly-owned depository institutions; limits on transactions with affiliates that are more restrictive than Sections 23A and 23B of the Federal Reserve Act; and lengthy continuity of ownership requirements. The FDIC is concerned that these and other aspects of the Statement of Policy may discourage and potentially limit investments by nonbanks in connection with the resolution of failed depository institutions. Accordingly, the FDIC is rescinding the Statement of Policy.

**II. Rationale for Rescission of the Statement of Policy**

The rapid speed of the failures of Silicon Valley Bank, Signature Bank, and First Republic in 2023 demonstrated the need for a practical shift toward advance preparation by financial regulators and proactive communication with potential acquirers. Although nonbanks participated in FDIC auctions for these failed banks in 2023, their options for bidding and the participation of additional nonbanks may have been limited by the restrictions imposed by the Statement of Policy. The FDIC recognizes that nonbank entities such as private equity firms can play a

significant role in the resolution process, given their ability to access and deploy significant pools of capital. Because the Statement of Policy is more restrictive than certain statutory requirements, and also introduces another point of approval and uncertainty for nonbanks in the failed bank acquisition process, the FDIC believes that continuing to apply the Statement of Policy may have a deterrent effect on private capital investment and inhibit the infusion of a potentially significant flow of capital into failed institutions. Given the increased speed with which a bank failure may occur, in part driven by the advancement of technology and ongoing evolution of the financial system, these impacts could, in turn, result in considerably increased costs of resolution and risk to the Deposit Insurance Fund. Potential investors will continue to be required to comply with existing laws and regulations—including those governing capital, control, affiliate transactions, and anti-money laundering/countering the financing of terrorism requirements—and will be expected to operate in a safe and sound manner following an acquisition. Rescinding the Statement of Policy will improve the ability of nonbanks to participate in the resolution process.

**III. Administrative Law Matters**

*A. Administrative Procedure Act*

Under 5 U.S.C. 553(b)(A), federal agencies are exempt from the informal rulemaking provisions of the Administrative Procedure Act for “general statements of policy.” The Statement of Policy rescinded in this notice provided guidance to private capital investors interested in acquiring the deposit liabilities, or both the liabilities and assets, of failed insured depository institutions regarding the way the FDIC would exercise its discretionary authorities. As such, it is a general statement of policy and exempt from the notice and comment requirements of the Administrative Procedure Act.

*B. Executive Order 12866*

Executive Order 12866 as amended by Executive Order 14219 directs certain agencies to assess costs and benefits of significant regulatory actions and to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Pursuant to section 3(f) of Executive Order 12866, the Office of Information

<sup>2</sup> See Federal Deposit Insurance Corporation, Statement of Policy on Qualifications for Failed Bank Acquisitions (last updated Mar. 15, 2024).

<sup>1</sup> 74 FR 45440 (Sept. 2, 2009).