

077°25'07" W; 37°31'11" N, 077°25'04" W; 37°31'11" N, 077°25'06" W. No vessel or person is permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

#### 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 Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

The Coast Guard certifies that, although some small entities may intend to transit the safety zone above, this rule will not have a significant economic impact on a substantial number of small entities. Vessel traffic will be able to safely transit around this regulated area. This regulation will only impact a small area for 1 hour. The enforcement period is during a time when vessel traffic is normally low. In addition, the Coast Guard will issue a Broadcast Notice to Mariners via VHF FM marine channel 16, which will allow small entities to adjust their transit plans, and the rule allows vessels to request permission to enter the regulated area from the COTP.

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).

##### 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 *et seq.*), 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 safety 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; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T05–0405 to read as follows:

### § 165.T05–0405 Safety Zone; James River, Richmond, VA.

(a) *Location.* The following area is a safety zone: All waters of the James River, from surface to bottom, encompassed by a line connecting the following 37°31'18" N, 077°25'10" W; 37°31'19" N, 077°25'07" W; 37°31'11" N, 077°25'04" W; 37°31'11" N, 077°25'06" W. These coordinates are based on the World Geodetic System (WGS 84).

(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 Sector Virginia (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety 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 877–722–5727. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 9 p.m. to 10 p.m. on June 13, 2026.

**Peggy M. Britton,**

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

[FR Doc. 2026–11300 Filed 6–4–26; 8:45 am]

**BILLING CODE 9110–04–P**

## ADVISORY COUNCIL ON HISTORIC PRESERVATION

### 36 CFR Part 805

RIN 3010–AA08

### Rescission of Procedures for Implementing the National Environmental Policy Act (NEPA)

**AGENCY:** Advisory Council on Historic Preservation.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Advisory Council on Historic Preservation is rescinding its regulations implementing NEPA from the Code of Federal Regulations (CFR). In addition, this interim final rule requests comments on this action.

**DATES:** This interim final rule is effective on June 5, 2026. Comments must be received on or before July 6, 2026.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulation Identifier Number (RIN) number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email:* [kfanizzo@achp.gov](mailto:kfanizzo@achp.gov).
- *Mail:* Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, DC 20001.

*Instructions:* All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Kelly Fanizzo, General Counsel, Advisory Council on Historic Preservation, (202) 517-0193, [kfanizzo@achp.gov](mailto:kfanizzo@achp.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation of America's historic places and advises the President and Congress on national historic preservation policy (see 54 U.S.C. Chapter 3041). Promulgated in 1980 to supplement the regulations established by the Council on Environmental Quality (CEQ), the ACHP's regulations at 36 CFR part 805 set forth the procedures for the ACHP to comply with the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.* The ACHP rarely proposes major federal actions that require review under NEPA and, therefore, rarely utilizes its regulations implementing NEPA at 36 CFR part 805. The last NEPA document the ACHP developed was an Environmental Assessment in the late 1990s for its Section 106 rulemaking to

revise and update 36 CFR part 800, which concluded in a Finding of No Significant Impact (see 64 FR 27044; May 18, 1999). The ACHP is now rescinding its regulations implementing NEPA at 36 CFR part 805. The ACHP may determine at a later date that internal NEPA procedures would be useful for the rare occasion it proposes a major federal action and, if so, the ACHP may develop such procedures.

On January 20, 2025, the President issued Executive Order (E.O.) 14154, Unleashing American Energy (90 FR 8353), revoking E.O. 11991, Relating to Protection and Enhancement of Environmental Quality (42 FR 26967; May 24, 1977) and directing the CEQ to propose rescinding its National Environmental Policy Act (NEPA) regulations (40 CFR part 1500). CEQ subsequently rescinded its NEPA regulations (90 FR 10610; February 25, 2025) and also issued a memorandum, dated February 19, 2025, providing guidance to agencies on implementing E.O. 14154 and revising existing agency NEPA procedures.

The ACHP is taking this action because the CEQ rescinded its NEPA regulations, which the ACHP's NEPA regulations were intended to supplement and, therefore, the references in the ACHP's regulations are outdated and obsolete. Congress has amended the NEPA statute twice since 2023 (see, e.g., the Fiscal Responsibility Act of 2023 (FRA), Public Law 118-5). In addition, the ACHP's NEPA regulations would have required revisions to align with the Supreme Court's landmark decision interpreting NEPA in *Seven County, Infrastructure Coalition v. Eagle County, Colorado*, 145 S. Ct. 1497 (2025). *Seven County* affirms that the ACHP has broad discretion when conducting NEPA reviews, and that the central principle of judicial review in NEPA cases is substantial deference to agencies, including about whether and the extent to which the agency should consider potential effects in a NEPA review given the agency's authority and the importance of the issue to the decisionmaker. These recent changes to the NEPA statute and its interpretation make it less likely that a future ACHP action would fall within the statute's scope. Therefore, the ACHP has concluded that there is no need for the ACHP to establish agency-specific procedures at this time. As noted above, the ACHP may develop internal NEPA procedures in the future if necessary and appropriate.

**II. Publication as an Interim Final Rule**

ACHP has determined that an interim final rule is the appropriate mechanism

to rescind its NEPA implementing regulations at 36 CFR part 805.

The ACHP's NEPA regulations constitute rules of agency procedure and practice, under the Administrative Procedure Act (APA), and are subject to the APA exception for "interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice" (5 U.S.C. 553(b)(A)). Part 805 proscribes procedures for the ACHP on when to prepare an environmental review document and how to incorporate the document and review into agency decision-making. The procedures do not establish any substantive requirements that would impose binding legal obligations on other parties or members of the public. Furthermore, the procedures do not dictate any substantive outcomes and are not legislative rules. As such, neither their promulgation nor their removal requires notice-and-comment rulemaking. The fact that the ACHP previously undertook notice-and-comment rulemaking in promulgating Part 805 (45 FR 4353) does not bind the ACHP to use such procedures in rescinding it (see *Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 101 (2015) (holding that where notice-and-comment procedures are not required, prior use of them in promulgating a rule does not bind the agency to use such procedures in repealing it)).

Additionally, the ACHP has "good cause" to rescind Part 805 as an interim final rule, meeting the APA exception in 5 U.S.C. 553(b)(B). The APA authorizes agencies to issue regulations without notice and comment when an agency finds, for good cause, that notice and comment is "impracticable, unnecessary, or contrary to the public interest" (5 U.S.C. 553(b)(B)), and to make the rule effective immediately for good cause (5 U.S.C. 553(d)(3)). The ACHP's NEPA regulations were promulgated to supplement the CEQ's NEPA regulations. When the CEQ rescinded its NEPA regulations, the ACHP's existing NEPA regulations ceased to properly function, which has resulted in confusion as to how the agency should meet its responsibilities under NEPA. Accordingly, while the ACHP is not required under the APA's good cause exception to engage in notice-and-comment rulemaking, the agency has determined that the most appropriate mechanism to resolve any confusion while still allowing for public participation, is to issue an interim final rule providing 30 days for public comment thereafter.

Further, an interim final rule containing all elements required by the APA for a Notice of Proposed

Rulemaking, as provided in 5 U.S.C. 553(b)–(d), satisfies the APA’s procedural requirements. This interim final rule contains all of the APA-required elements for notice-and-comment rulemaking: a reference to legal authority, as required by 5 U.S.C. 553(b)(2); a description of the terms and substance of the rule, as required by 5 U.S.C. 553(b)(3); and a request for public comment, as required by 5 U.S.C. 553(c). The ACHP finds that an interim final rule is the most appropriate mechanism to meet both the President’s and CEQ’s direction and the principles of public participation in regulatory action.

### III. Request for Comments

The ACHP requests and encourages public comments on this interim final rule. The ACHP will consider the comments it receives and provide responses in a final rule, with changes, if warranted.

### IV. Regulatory Compliance Analysis

#### A. E.O. 12866, “Regulatory Planning and Review”

E.O. 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health, and safety effects; distribution of impacts; and equity). The Office of Management and Budget’s (OMB) Office of Information and Regulatory Affairs (OIRA) has determined that this rulemaking, while not “economically significant” under 3(f)(1), is “significant” per the other subsections of 3(f).

#### B. Congressional Review Act (5 U.S.C. 801 et seq.)

OMB OIRA has determined that this rulemaking, if finalized, does not meet the criteria set forth in 5 U.S.C. 804(2) under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act).

#### C. Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

The rule does not contain any information collection requirements that require the approval of the OMB under the Paperwork Reduction Act (44 U.S.C. chapter 35).

#### D. Public Law 96–354, “Regulatory Flexibility Act” (5 U.S.C. 601)

The ACHP has determined that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if finalized, have a

significant economic impact on a substantial number of small entities. Therefore, the Regulatory Flexibility Act, as amended, does not require the ACHP to prepare a regulatory flexibility analysis.

#### E. Sec. 202, Public Law 104–4, “Unfunded Mandates Reform Act”

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires agencies to assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year of \$100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately \$206 million. This rulemaking will not result in the expenditure by State, local, or Tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

#### F. E.O. 13132, “Federalism”

The ACHP has determined that this action does not contain policies with federalism or “takings” implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively. This action does not have federalism implications. It will 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. This action contains no Federal mandates for State and local Governments and does not impose any enforceable duties on State and local Governments. This action addresses only internal ACHP procedures for implementing NEPA.

#### G. E.O. 13175, “Consultation and Coordination With Indian Tribal Governments”

E.O. 13175 establishes certain requirements that an agency must meet when it promulgates an interim final rule (and subsequent final rule) that imposes substantial direct compliance costs on one or more Indian Tribes, preempts Tribal law, or effects the distribution of power and responsibilities between the Federal Government and Indian Tribes. This rule will not have a substantial effect on Indian Tribal Governments.

#### List of Subjects in 36 CFR Part 805

Environmental impact statements.

### PART 805 [REMOVED AND RESERVED]

For the reasons stated in the preamble and under the authority of 54 U.S.C.

chapter 3041 and 42 U.S.C. 4332, the Advisory Council on Historic Preservation removes and reserves 36 CFR part 805.

Travis Voyles,

Vice Chairman, Advisory Council on Historic Preservation.

[FR Doc. 2026–11298 Filed 6–4–26; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 98

[EPA–HQ–OAR–2025–0186; FRL 12720.1–03–OAR]

RIN 2060–AX03

### Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025; Correction

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

**ACTION:** Final rule; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) is correcting the preamble of a final rule published in the **Federal Register** on February 27, 2026. The final rule extended the reporting deadline under the Greenhouse Gas Reporting Rule, commonly referred to as the Greenhouse Gas Reporting Program (GHGRP), for reporting year 2025 from March 31, 2026, to October 30, 2026. This document corrects an inadvertent typographical error in the **Federal Register**. This correction does not result in any substantive changes to the final rule.

**DATES:** Effective on June 5, 2026.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2025–0186. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through <https://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Jamie Ziah, Emissions Data and Assessments Branch, Natural Resources Division, Office of Clean Air Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–