(2) *United Nations Headquarters District.* An alien of the class defined in section 101(a)(15)(C)(ii) of the Act, whose visa is limited to transit to and from the United Nations Headquarters District, if otherwise admissible, shall be admitted on the additional conditions that the alien proceed directly to the immediate vicinity of the United Nations Headquarters District, and remain there continuously, departing therefrom only if required in connection with the alien's departure from the United States, and that the alien have a document establishing the ability to enter some country other than the United States following the alien's sojourn in the United Nations Headquarters District. The immediate vicinity of the United Nations Headquarters District is that area lying within a twenty-five-mile radius of Columbus Circle, New York, NY.

(3) *Foreign government officials transiting through the United States.* An alien of the class defined in section 212(d)(8) of the Act may be admitted for a period not to exceed 29 days.

(4) *Lightering crew.* An alien of the class defined in section 101(a)(15)(C)(iii) of the Act may be admitted for a period not to exceed 180 days.

(d) * * *

(1) *General provisions.* (i) The provisions of parts 251, 252, 253, and 258 of this chapter shall govern the landing of crewmen as nonimmigrants of the class defined in section 101(a)(15)(D) of the Act.

(ii) An alien crewman of the class defined in section 101(a)(15)(D) of the Act may be employed only in a crewman capacity on the vessel or aircraft of arrival, or on a vessel or aircraft of the same transportation company.

(iii) An alien crewman of the class defined in section 101(a)(15)(D) of the Act may not be employed in connection with domestic flights or movements of a vessel or aircraft but see paragraph (d)(1)(iv) of this section. However, nonimmigrant crewmen may perform crewmember duties through stopovers on an international flight for any United States carrier where such flight uses a single aircraft and has an origination or destination point outside the United States.

(iv) The performance of ship-to-ship liquid cargo transfer operations to or from any other vessel engaged in foreign trade does not constitute services, work, labor, or employment connected to a domestic movement of a vessel for immigration purposes.

* * * * *

PART 252—LANDING OF ALIEN CREWMEN

■ 4. The authority citation for part 252 continues to read as follows:

Authority: 8 U.S.C. 1103, 1184, 1185 (pursuant to E.O. 13323 published on January 2, 2004), 1258, 1281, 1282; 8 CFR part 2.

■ 5. Amend § 252.1 as follows:
■ a. In paragraph (c), remove the reference to ''8 CFR 235.1(d)(1)(ii) and (iii)'' and add in its place ''8 CFR 235.1(f)(1)(ii) and (iii)'';
■ b. Revise and republish (d); and
■ c. Add a sentence at the end of paragraph (f).

The revision and addition read as follows:

§ 252.1 Examination of crewmen.

* * * * *

(d) *Authorization to land.* The immigration officer in his discretion may grant an alien crewman authorization to land temporarily in the United States for:

(1) Shore leave purposes during the period of time the vessel or aircraft is in the port of arrival or other ports in the United States to which it proceeds directly without touching at a foreign port or place, not exceeding 29 days in the aggregate, if the immigration officer is satisfied that the crewman intends to depart on the vessel on which he arrived or on another aircraft of the same transportation line, and the crewman's passport is surrendered for safe keeping to the master of the arriving vessel;

(2) The purpose of departing from the United States as a crewman on a vessel other than the one on which he arrived, or departing as a passenger by means of other transportation, within a period of 29 days, if the immigration officer is satisfied that the crewman intends to depart in that manner, that definite arrangements for such departure have been made, and the immigration officer has consented to the pay off or discharge of the crewman from the vessel on which he arrived. A crewman granted a conditional permit to land under section 252(a)(1) of the Act and paragraph (d)(1) of this section is required to depart with his vessel from its port of arrival and from each other port in the United States to which it thereafter proceeds coastwise without touching at a foreign port or place; however, he may rejoin his vessel at another port in the United States before it touches at a foreign port or place if he has advance written permission from the master or agent to do so; or

(3) A period of up to 180 days if the crewman intends to depart, within the period for which the crewman is permitted to land, on the same vessel or on a vessel or aircraft other than the vessel on which the crewman arrived and will perform ship-to-ship liquid cargo transfer operations to or from any other vessel engaged in foreign trade during such period.

* * * * *

(f) * * * A crewman granted temporary landing privileges under paragraph (d)(3) of this section is authorized to depart on the same vessel on which the crewman arrived or on a vessel or aircraft other than the vessel on which the crewman arrived and does not require an application on Form I–408 to do so.

* * * * *

§ 252.2 [Amended]

■ 6. Amend § 252.2(b) by removing the reference to ''§ 208.2(b)(1)'' and adding in its place ''§ 208.2(c)(1)''.

Markwayne Mullin,
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–16319 Filed 8–10–26; 8:45 am]

BILLING CODE 9111–14–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 7, and 10

[NRC–2025–1139]

RIN 3150–AL46

NRC Modernization: Rulemaking Procedure, Federal Advisory Committee Act Alignment, Access, and Security

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations by streamlining procedural provisions related to information withholding and post-promulgation comment periods; aligning the NRC's regulations with Committee Management Secretariat (CMS) Federal Advisory Committee Act (FACA) standards; and updating national security eligibility criteria. The goal is to modernize and clarify the NRC's regulatory framework to ensure consistency with government-wide standards and improve administrative efficiency. The scope includes updates to outdated provisions and revisions to ensure compliance with current federal policies. This action is being taken in response to Executive Order 14300,

''Ordering the Reform of the Nuclear Regulatory Commission.''

DATES: The final rule is effective October 26, 2026, unless significant adverse comments are received. Comments must be submitted electronically using *https://www.regulations.gov* by 11:59 p.m. Eastern Time on September 10, 2026. If the direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2025–1139, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously.

Follow the search instructions on *https://www.regulations.gov* to view public comments.

You can read a plain language description of this direct final rule at *https://www.regulations.gov/docket/NRC-2025-1139.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7204, email: *denise.edwards@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–1139 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–1139.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin ADAMS Public Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* The NRC Public Document Room (PDR), where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

Comments must be submitted electronically using *https://www.regulations.gov* by 11:59 p.m. Eastern Time on September 10, 2026. Please include Docket ID NRC–2025–1139 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

On May 23, 2025, President Donald J. Trump signed Executive Order (E.O.) 14300, ''Ordering the Reform of the Nuclear Regulatory Commission.'' This rulemaking addresses Section 5, ''Reforming and Modernizing the NRC's Regulations,'' which requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents, consistent with the policies set forth in section 2 of the E.O.

III. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is using the ''direct final rule procedure'' for this rule. This amendment is effective on October 26, 2026. However, if the NRC receives significant adverse comments on this direct final rule by September 10, 2026, then the NRC will publish a document that withdraws this action and will address the comments received in a subsequent final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is one in which the commenter explains why the rule would be inappropriate, challenges the rule's underlying premise or approach, or argues that the rule would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is

apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule. For detailed instructions on filing comments, please see the **ADDRESSES** section of this document.

IV. Background

The U.S. Nuclear Regulatory Commission (NRC) is undertaking a series of regulatory updates to modernize its administrative framework, align with government-wide requirements, and ensure continued compliance with evolving federal standards related to transparency, advisory committee governance, information management, and personnel security. These are consistent with the directive in E.O. 14300 which requires the NRC to conduct a comprehensive review of its regulations.

First, the NRC is updating its information withholding provisions in 10 CFR 2.390 to clarify the Commission's procedures for evaluating requests for withholding proprietary and sensitive information from public disclosure. The revisions to 10 CFR 2.390 align with a recent revision to that regulation to alleviate the need for licensees or applicants filing a withholding request to include information regarding competitive harm (90 FR 54225; November 26, 2025). The revisions in this rule maintain the NRC's longstanding policy balance between protecting sensitive commercial or financial information and ensuring transparency in agency decision making. The changes are administrative in nature and are intended to improve clarity and consistency in how information is reviewed and processed.

Second, the NRC is revising a provision in 10 CFR 2.804 that established procedural requirements related to post-promulgation comment periods. This provision is not statutorily required and thus imposes unnecessary administrative burdens. Revision of this provision provides additional flexibility to rulemaking processes.

Third, the NRC is revising 10 CFR part 7 to align its advisory committee regulations with the government-wide Federal Advisory Committee Act (FACA) requirements administered by the General Services Administration (GSA). On December 16, 2025, GSA issued a final rule (90 FR 58408) revising FACA regulations to improve Federal advisory committee management policies and processes, remove unnecessary language and information, and increase accountability for Federal advisory committee operation. To ensure consistency with these standards and continued compliance with FACA, the NRC is making conforming amendments throughout 10 CFR part 7. These revisions update terminology, clarify procedural expectations, and consolidate administrative requirements to reflect GSA's current regulatory framework. The amendments do not impose substantive requirements on NRC licensees or external stakeholders; instead, they improve the efficiency, transparency, and accountability of NRC advisory committee management.

Finally, the NRC is revising its personnel security regulations in 10 CFR part 10 to reflect Federal adjudicative standards established in the Office of the Director of National Intelligence's Security Executive Agent Directive 4 (SEAD 4). SEAD 4 sets forth uniform adjudicative guidelines for determining eligibility for access to classified information and sensitive national security positions across the executive branch. The NRC previously incorporated SEAD 4 into Management Directive (MD) 12.3, ''Personnel Security,'' and is now codifying these requirements to ensure alignment between internal policy and regulatory text. This codification enhances transparency and promotes consistent expectations for individuals requiring an access authorization or employment clearance.

Collectively, the actions in this rulemaking modernize NRC regulations, improve alignment with federal policies, and enhance administrative efficiency while maintaining transparency, public participation, and national security protections consistent with the NRC's statutory responsibilities.

V. Discussion

This direct final rule makes targeted revisions to 10 CFR parts 2, 7, and 10 to modernize the NRC's administrative and personnel security regulations, align with government-wide requirements, and implement the directives of E.O. 14300. The amendments are primarily administrative and procedural in nature and do not establish new substantive obligations for NRC licensees or other external stakeholders.

Information Withholding

The NRC is revising portions of 10 CFR 2.390 to clarify the procedures governing requests for withholding commercial, financial, and proprietary information from public disclosure. The revisions modify existing criteria to eliminate the requirement to provide unnecessary information regarding potential harm, competitive or otherwise, and clarify what information is required. Specifically, the NRC is eliminating the requirement currently imposed on individuals seeking withholding to include a statement of harm that would result if that information were not to be withheld. Additionally, the NRC is replacing the phrases, ''competitive position'' and ''competitive positions'' in portions of 10 CFR 2.390, with the more general term ''identified information.'' These changes are consistent with a recent revision made to 10 CFR 2.390(b)(4)(v) in (90 FR 54225; November 26, 2025), where the NRC recognized that the ''substantial competitive harm'' test, reflected in that provision, has been rejected by the Supreme Court, and the test is not statutorily required. *Food Marketing Institute* v. *Argus Leader Media,* 588 U.S. 427, 430 (2019). These changes also align with the Commission's policy to balance the protection of sensitive information with the public's right to be fully informed regarding the basis for NRC licensing and regulatory actions.

Requirements for Requesting Public Comments

The NRC is revising paragraph (e) of 10 CFR 2.804, ''Notice of proposed rulemaking,'' which contains a self-imposed requirement to provide a post-promulgation comment period in specific instances, and detail the procedures the agency is to follow during such comment period. The NRC elected to provide this post-promulgation comment period in a 1985 amendment to 10 CFR part 2 for instances where exceptions to notice and comment are already provided by the Administrative Procedure Act (APA), 5 U.S.C. 553(b), *i.e.,* when a rulemaking involves an interpretative rule (which includes guidance documents), general statement of policy, or rule of agency organization, procedure, or practice, or where the Commission for good cause finds that notice and comment is impracticable, unnecessary, or contrary to the public interest (50 FR 13006; April 2, 1985). The agency established the provisions in 10 CFR 2.804(e) and (f), as recommended by the Administrative Conference of the United States, to ''give interested persons a chance to expose any errors or oversights that occurred in the formulation of the rule and to present policy arguments for changing the rule.''

A post-promulgation comment period, however, is not required by the APA where an exception to notice and comment applies. Making this provision voluntary instead of mandatory will reduce agency burden and allow the NRC to utilize the process, as appropriate, and otherwise more efficiently finalize rulemakings where notice and comment is not required by the APA. Moreover, as the 1985 final rule notes, ''The Commission normally provides for notice and opportunity for comment on policy statements and interpretative rules, and will continue to do so in the future.'' (50 FR 13007; April 2, 1985). Accordingly, there are limited circumstances where a post-promulgation comment period would be necessary.

Federal Advisory Committee Act

The NRC is amending 10 CFR part 7 to align its advisory committee regulations with GSA's final rule published on December 16, 2025 (90 FR 58408). The GSA rule streamlines and consolidates government-wide requirements under the FACA to improve Federal advisory committee management policies and processes, remove unnecessary language and information, and increase accountability for Federal advisory committee operation. These changes are administrative and procedural in nature and do not introduce new substantive obligations for NRC licensees or other stakeholders.

The scope of this rulemaking is limited to conforming amendments that ensure consistency with GSA's updated standards, which, in turn, ensures continued compliance with FACA. The revisions affect terminology, chartering requirements, membership appointment processes, and reporting obligations for NRC advisory committees.

Eligibility for Access to Classified Information

This rulemaking proposes targeted revisions to 10 CFR part 10 to modernize the NRC's personnel security regulations. The proposed rule updates 10 CFR part 10 by replacing the current detailed adjudicatory criteria with a high-level description of the whole-person concept and a direct reference to the national standards in SEAD 4, without altering existing adjudicative processes. These changes improve the clarity of the agency's adjudicative process by aligning the eligibility-criteria descriptions in 10 CFR part 10 with current NRC practice, already reflected in MD 12.3, that implements the governing Federal standards established in SEAD 4.

VI. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This direct final rule may affect a number of ''small entities'' as defined by the Regulatory Flexibility Act or the size standards established by the NRC (10 CFR 2.810). However, as indicated in the regulatory analysis available under the ''Availability of Documents'' section, these amendments will not have a significant economic impact on any affected small entities.

VII. Regulatory Analysis

The NRC has completed a regulatory analysis for this direct final rule. The amendments contained in this action are administrative, procedural, or conforming in nature and do not impose new substantive requirements on NRC licensees, applicants, or other external stakeholders. As such, this rulemaking is expected to have minimal economic impact.

The revisions to 10 CFR part 2 to remove or revise provisions that extend beyond the requirements of the Atomic Energy Act of 1954, as amended (AEA) and the APA. Removing or revising these provisions restores procedural flexibility for the Commission without affecting the ability of the public to submit comments or seek withholding of documents. Because these amendments eliminate internal administrative steps rather than create new obligations, they are expected to reduce the NRC's administrative workload and have no cost effect on licensees or the public.

The amendments to 10 CFR part 7 are limited to conforming changes necessary to align NRC regulations with the government-wide FACA regulations issued by the GSA. These changes update terminology, modernize administrative procedures, and clarify the structure and management of NRC advisory committees. The amendments do not alter the scope, duties, or responsibilities of NRC licensees and do not impose any new recordkeeping, reporting, or operational requirements on external stakeholders. Therefore, no incremental cost impacts are expected.

The revisions to 10 CFR part 10 codify the use of SEAD 4 as the controlling national security adjudicative standard. These requirements are already in widespread use across the executive branch and have previously been incorporated into NRC practice through MD 12.3. This rulemaking therefore reflects current practice and ensures regulatory consistency without imposing new obligations on licensees or individuals seeking access authorization or employment clearance.

Because this direct final rule does not impose new substantive burdens and is expected to reduce administrative costs for the NRC, the Commission has determined that a more detailed quantification of costs and benefits is not warranted. The NRC concludes that the regulatory approach selected is the least burdensome, most efficient means of aligning NRC regulations with current federal requirements and implementing E.O. 14300. This regulatory analysis supports the Commission's determination that this rule is appropriate and necessary to improve clarity, consistency, and administrative efficiency in the NRC's regulatory framework.

VIII. Backfitting and Issue Finality

The NRC has determined that the backfitting provisions in 10 CFR 50.109, 53.1390, 70.76, 72.62, and 76.76, as well as the issue finality provisions in 10 CFR parts 52 and 53, do not apply to this direct final rule. The regulations amended by this rule are administrative and procedural in nature, and the amendments do not impose on current licensees, applicants, or certificate holders new or changed requirements that are required to design, construct, or operate a facility. Therefore, this direct final rule does not constitute backfitting as defined in 10 CFR 50.109(a)(1) and the comparable provisions in 10 CFR parts 53, 70, 72, and 76. For the same reasons, the amendments do not affect the issue finality of any approvals issued under 10 CFR part 52 or 53.

IX. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

X. National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, as amended (NEPA) and NRC's NEPA implementing regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this direct final rule is the type of action eligible for categorical exclusion because it meets criterion described in 10 CFR 51.22(a)(3), which categorically excludes amendments to 10 CFR parts 2, 7, and 10, among other parts, from environmental review. The agency action, therefore, belongs to a category of actions that the Commission, by rule or regulation, has declared to be a categorical exclusion, after first finding that the actions within the category do not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental impact statement nor environmental assessment has been prepared for this direct final rule.

XI. Paperwork Reduction Act

This final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995.

XII. Executive Orders

The following are Executive Orders that are related to this direct final rule:

A. Executive Order 12866: Regulatory Planning and Review (as Amended by E.O. 14215, Ensuring Accountability for All Agencies)

The Office of Information and Regulatory Affairs (OIRA) has determined that this direct final rule is not a significant regulatory action.

B. Executive Order 14154: Unleashing American Energy

The NRC has examined this direct final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14154.

C. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is determined to be a deregulatory action as defined by E.O. 14192. Details on the estimated costs of this direct final rule can be found in Section VI, ''Regulatory Analysis,'' of this document.

D. Executive Order 14270: Zero-Based Regulatory Budgeting To Unleash American Energy

E.O. 14270 requires the NRC to insert a conditional sunset date into all new or amended NRC regulations provided the regulations are (1) promulgated under the AEA, the Energy Reorganization Act of 1974, as amended (ERA), or the Nuclear Waste Policy Act of 1982, as amended (NWPA); (2) not statutorily required; and (3) not part of the NRC's permitting regime. The NRC determined that the regulatory changes proposed in this rule are for processes that are required by statute and are part of the NRC's regulatory permitting scheme authorized by the AEA, ERA, or NWPA. Therefore, the NRC views this rulemaking to be outside the scope of E.O. 14270 and did not insert conditional sunset dates for the regulatory changes in this direct final rule.

E. Executive Order 14300: Ordering the Reform of the Nuclear Regulatory Commission

The NRC has examined this direct final rule and has determined that it is consistent with the policies and directives outlined in E.O. 14300.

XIII. Congressional Review Act

This direct final rule is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has found that it does not meet the criteria at 5 U.S.C. 804(2).

XIV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS Accession No./web link/ **Federal Register** citation
NRC Management Directive (MD) 12.3, ''Personnel Security,'' July 18, 2022.	ML22136A179.
DNI Security Executive Agent Directive 4, ''National Security Adjudicative Guidelines,'' June 8, 2017.	*https://www.dni.gov/files/NCSC/documents/Regulations/SEAD-4-Adjudicative-Guidelines-U.pdf.*
GSA Final Rule, ''Federal Management Regulation; Aligning the Federal Management Regulation (FMR) With the Administration's Deregulatory Priorities,'' December 16, 2025.	90 FR 58408.
NRC Final Rule, ''Streamlining Select Rules of Practice and Procedure,'' November 26, 2025.	90 FR 54225.
NRC Final Rule, ''Exceptions to Notice and Comment Rulemaking Procedures,'' April 2, 1985.	50 FR 13006.
Executive Order 12866, ''Regulatory Planning and Review,'' October 4, 1993.	58 FR 51735.
Executive Order 14154, ''Unleashing American Energy,'' January 29, 2025.	90 FR 8353.
Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' February 6, 2025.	90 FR 9065.
Executive Order 14215, ''Ensuring Accountability for All Agencies,'' February 24, 2025.	90 FR 10447.
Executive Order 14300, ''Ordering the Reform of the Nuclear Regulatory Commission,'' May 29, 2025.	90 FR 22587.
Presidential Memorandum, ''Plain Language in Government Writing,'' June 10, 1998.	63 FR 31885.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2025–1139.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Confidential business information, Freedom of information, Environmental protection, Hazardous waste, Nuclear energy, Nuclear materials, Nuclear power plants and reactors, Penalties, Reporting and recordkeeping requirements, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 7

Advisory committees, Sunshine Act.

10 CFR Part 10

Administrative practice and procedure, Classified information, Government employees, Security measures.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR parts 2, 7, and 10.

PART 2—AGENCY RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 2 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 29, 53, 62, 63, 81, 102, 103, 104, 105, 161, 181, 182, 183, 184, 186, 189, 191, 234 (42 U.S.C. 2039, 2073, 2092, 2093, 2111, 2132, 2133, 2134, 2135, 2201, 2231, 2232, 2233, 2234, 2236, 2239, 2241, 2282); Energy Reorganization Act of 1974, secs. 201, 206 (42 U.S.C. 5841, 5846); Nuclear Waste Policy Act of 1982, secs. 114(f), 134, 135, 141 (42 U.S.C. 10134(f), 10154, 10155, 10161); Administrative Procedure Act (5 U.S.C. 552, 553, 554, 557, 558); National Environmental Policy Act of 1969 (42 U.S.C. 4332); 44 U.S.C. 3504 note. Section 2.205(j) also issued under Sec. 31001(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note).

■ 2. In § 2.390, revise paragraph (b)(1)(ii) and (b)(2) and (5) to read as follows:

§ 2.390 Public inspections, exemptions, requests for withholding.

* * * * *

(b) * * *

(1) * * *

(ii) The Commission may waive the affidavit requirements on request, or on its own initiative, in circumstances the Commission, in its discretion, deems appropriate. Otherwise, except for personal privacy information, which is not subject to the affidavit requirement, the request for withholding must be accompanied by an affidavit that—

(A) Identifies the document or part sought to be withheld;

(B) Identifies the official position of the person making the affidavit;

(C) Declares the basis for proposing the information be withheld, encompassing considerations set forth in paragraph (a) of this section; and

(D) Indicates the location(s) in the document of all information sought to be withheld.

* * * * *

(2) A person who submits commercial or financial information believed to be privileged or confidential or a trade secret shall be on notice that it is the policy of the Commission to achieve an effective balance between legitimate concerns for protection of the identified information and the right of the public to be fully apprised as to the basis for and effects of licensing or rulemaking actions, and that it is within the discretion of the Commission to withhold such information from public disclosure.

* * * * *

(5) If the Commission determines, under paragraph (b)(4) of this section, that the record or document contains trade secrets or privileged or confidential commercial or financial information, the Commission will then determine whether the right of the public to be fully apprised as to the bases for and effects of the proposed action outweighs the demonstrated concern for protection of the identified information, and whether the information should be withheld from public disclosure under this paragraph (b). If the record or document for which withholding is sought is deemed by the Commission to be irrelevant or unnecessary to the performance of its functions, it will be returned to the applicant.

* * * * *

§ 2.804 [Amended]

■ 3. In § 2.804, amend paragraph (e) introductory text by removing the word ''shall'' and adding in its place the word ''may''.

■ 4. Revise and republish part 7 to read as follows:

PART 7—ADVISORY COMMITTEES

Sec.

Authority: Atomic Energy Act of 1954, sec. 161 (42 U.S.C. 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); 5 U.S.C. Chapter 10 (Federal Advisory Committee Act).

§ 7.1 Policy.

The regulations in this part define the policies and procedures to be used by the Nuclear Regulatory Commission (NRC) in applying the Federal Advisory Committee Act, as amended (FACA or ''the Act''), 5 U.S.C. chapter 10, to advisory committees established and operated by the NRC. FACA governs the establishment, operation, administration, and termination of advisory committees within the executive branch of the Federal Government. The Act defines what constitutes a Federal advisory committee, provides general procedures for the executive branch to follow for operating an advisory committee, and is designed to assure that the Congress and the public are kept informed with respect to the number, purpose, membership, activities, recommendations, outcomes, and cost of advisory committees through reporting requirements. In general, it is the policy of the Commission that—

(a) Except where there is express legal authority to the contrary, the function of NRC advisory committees shall be advisory only.

(b) Each NRC advisory committee shall function in compliance with the Federal Advisory Committee Act and this part.

(c) The number of NRC advisory committees shall be kept to the minimum necessary, and the number of members of each NRC advisory committee shall be limited to the fewest necessary to accomplish committee objectives.

(d)(1) An NRC advisory committee shall be established only:

(i) When establishment of the committee is required by law;

(ii) When the Commission determines that the committee is essential to the conduct of NRC business; or

(iii) When the information to be obtained is not available through an existing advisory committee or a source within the Federal Government.

(2) Before establishing an advisory committee, the Commission shall consider whether:

(i) Committee deliberations will result in a significant contribution to the creation, amendment, or elimination of regulations, guidelines, or rules affecting NRC business;

(ii) The information to be obtained is available through another source within the Federal Government;

(iii) The committee will make recommendations resulting in significant improvements in service or reductions in cost; or

(iv) The committee's recommendations will provide an important additional perspective or viewpoint relating to NRC's mission. The advice or recommendations of an advisory committee should be the result of the advisory committee's independent judgment.

(e) Except where otherwise required by law, an NRC advisory committee shall be terminated whenever the stated objectives of the committee have been accomplished, the subject matter or work of the committee has become obsolete, the committee's main functions have been assumed by another entity within the Federal Government, or the cost of operating the committee has become excessive in relation to the benefits accruing to the Federal Government from its activities.

(1) An advisory committee not required to be established by statute terminates no later than two years after its establishment or last renewal, unless renewed.

(2) An advisory committee required to be established by statute terminates upon the expiration of the time explicitly specified in the statute or implied by operation of the statute.

(f) NRC advisory committees shall be balanced in their membership in terms of the points of view represented and the functions to be performed.

(g) The Congress shall be kept informed of the number, purpose, membership, activities, and cost of NRC advisory committees.

(h) NRC advisory committee meetings shall be open to the public, except where closure is determined to be justified under § 7.15.

(i) The Commission may periodically invite feedback from the public regarding the effectiveness of NRC advisory committees.

(j) If the regulations in this part conflict with those promulgated by the General Services Administration (GSA) found at 41 CFR part 102–3, the GSA regulations control.

§ 7.2 Definitions.

The following definitions apply to this part:

Act means the Federal Advisory Committee Act, as amended, 5 U.S.C. chapter 10.

Administrator means the Administrator of General Services.

Advisory committee means any committee, board, commission, council, conference, panel, task force, or other similar group, which is established by statute, or established or utilized by the President or any agency official to obtain advice or recommendations for the President or on issues or policies that fall within the scope of agency responsibilities (codified at 5 U.S.C. 1001). Advisory committees are subject to the Act unless specifically exempted by the Act, or by other statutes, or not covered by this part. The following are examples of meetings or groups that the term ''advisory committee'' does not include:

(1) Any group composed wholly of full-time or permanent part-time officers or employees of the Federal Government;

(2) Any group specifically exempted from the Act by statute;

(3) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any groups established to advise State or local officials;

(4) Any committee established to perform primarily operational as opposed to primarily advisory functions specifically. Operational functions are those specifically authorized by statute or Presidential directive, such as making or implementing Government decisions or policy, as long as the group does not become primarily advisory in nature;

(5) Groups assembled where attendees provide individual advice to a Federal official(s);

(6) Meetings where individual rather than consensus advice is sought, such as roundtable discussions, workshops, townhall meetings, listening sessions, fact-finding meetings, meetings with an individual, or meetings with small groups of experts that do not involve regular meetings and collective recommendations;

(7) Committees or groups created by a non-Federal entity that is not managed or controlled by the executive branch;

(8) Any meeting of two or more advisory committee members convened solely to:

(i) Discuss administrative matters relating to the operation of their advisory committee;

(ii) Receive administrative information from a Federal employee;

(iii) Gather information or conduct research for a chartered advisory committee to analyze relevant issues and facts for their advisory committee; or

(iv) Draft proposed position papers for deliberation by their advisory committee;

(9) Any committee composed wholly of full-time or permanent part-time officers or employees of the Federal Government and elected officers of State, local, and Tribal governments (or their designated employees with authority to act on their behalf), acting in their official capacities, and exclusively discussing matters relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration (sec. 204(b) of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1534(b), and Office of Management and Budget (OMB) Memorandum M–95–20, dated September 21, 1995);

(10) Any meeting of an NRC contractor, applicant, or licensee with an NRC employee to discuss specific matters involving the solicitation, issuance, or implementation of a contract or the Commission's effort to ensure compliance with its regulations;

(11) Any meeting of a subcommittee or other subgroup of an advisory committee where the subgroup's recommendations will be reviewed by its parent advisory committee, rather than provided directly to a Federal officer or agency or adopted without further deliberations by the parent advisory committee;

(12) Groups assembled to exchange facts or information with a Federal official(s);

(13) Public engagement that is required by statutes, including but not limited to: notice and comment rulemaking under the Administrative Procedure Act (5 U.S.C. 551–559), public meetings required under the National Environmental Policy Act (42 U.S.C. 4321), or public participation under the Resource Conservation and Recovery Act (42 U.S.C. 6974(b)), the Clean Water Act (33 U.S.C. 1251(e)), or the Safe Drinking Water Act (42 U.S.C. 300j–9) and the National Historic Preservation Act section 106 (54 U.S.C. 306108);

(14) Meetings with pre-existing non-governmental groups such as trade associations, advocacy groups, veterans organizations, environmental groups, or religious organizations where each group already has formulated views that it seeks to share with the Government; and,

(15) Meetings where the NRC is either providing its views to the private sector, or is assisting the private sector in developing guidance for itself.

Agency means an agency of the Government of the United States as defined in 5 U.S.C. 551(1).

Agency head means the head of an executive branch agency, department, or commission, or their designated delegate.

Chairperson means the advisory committee or subcommittee member who serves in this role on an advisory committee by statutory requirement or invitation by Presidential authority or by the NRC's authority.

Commission means the Nuclear Regulatory Commission of five members, or a quorum thereof, sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, 42 U.S.C. 5841 (88 Stat. 1242).

Committee Management Officer (CMO) means the individual designated by the Chairman, pursuant to § 7.10(a), to supervise and control the establishment and management of NRC advisory committees, and to implement the provisions of section 8(b) of the Act (codified at 5 U.S.C. 1007(b)), and any delegated responsibilities of the Commission under the Act.

Committee Management Secretariat (Secretariat) means the organization established pursuant to section 7(a) of the Act (codified at 5 U.S.C. 1006(a)), which is responsible for all matters relating to advisory committees and carries out the responsibilities of the Administrator under the Act and Executive Order 12024.

Committee meeting means any gathering of advisory committee members (whether in person or electronically, such as using telecommunications or through a virtual platform), held with the approval of an agency, and with a Designated Federal Officer in attendance, for the purpose of deliberating on the matters upon which the advisory committee provides advice or recommendations.

Committee member means an individual who serves by appointment or invitation by the appointing authority on an advisory committee or subcommittee.

Committee staff means any Federal employee, private individual, or other party (whether under contract or not) who is not a committee member, and who serves in a support capacity to an advisory committee or subcommittee.

Designated Federal Officer (DFO) means an individual designated by the Chairman, pursuant to § 7.11(a), for which the Commission is responsible, to implement the provisions of sections 10(e) and (f) of the Act (codified at 5 U.S.C. 1009(e) and (f)) and any advisory committee procedures of the agency under the control and supervision of the CMO.

Discretionary advisory committee means any advisory committee that is established under the authority of an agency head or authorized by statute, and its establishment or termination is within the legal discretion of an agency head.

Non-discretionary advisory committee means any advisory committee either required by statute or Presidential directive, and its establishment or termination is beyond the legal discretion of an agency head.

NRC means the agency established by title II of the Energy Reorganization Act of 1974, 42 U.S.C. 5801 (88 Stat. 1233), and known as the Nuclear Regulatory Commission.

NRC Public Document Room means the Public Document Room maintained by the NRC at 11555 Rockville Pike, Rockville, Maryland 20852–2738.

Presidential advisory committee means an advisory committee authorized by the Congress or directed by the President to advise the President.

Subcommittee means a group that reports to an advisory committee, and not directly to a Federal officer or agency, whether or not its members are drawn in whole or in part from the parent advisory committee.

Utilized by means a committee over which the President or a Federal officer or agency exercises actual management or control of its operation, whether or not it was established by the Federal Government.

§ 7.3 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by an NRC officer or employee, other than a written interpretation by the General Counsel, shall be binding upon the Commission.

§ 7.4 Establishment of advisory committees.

(a) FACA identifies four sources of authority for establishing an advisory committee. An NRC advisory committee may be established under this part only if its establishment—

(1) Is required by statute where Congress establishes an advisory committee, or specifically directs the President or the NRC to establish it (non-discretionary);

(2) Is by Presidential directive (non-discretionary);

(3) Is authorized by statute where Congress authorizes, but does not direct the President or the NRC to establish it (discretionary); or

(4) Is by the NRC under general authority in title 5 of the United States Code or under other agency-authorizing statutes (discretionary).

(b) The public interest determination required by paragraph § 7.5(a) shall be a matter of formal record.

§ 7.5 Consultation with Committee Management Secretariat on establishment of advisory committees; advisory committee charters.

(a) *Consultation with the Secretariat.* To establish, renew, reestablish, or merge a discretionary advisory committee, the Commission shall first consult with the Secretariat and, as part of the consultation, provide a written public interest determination approved by the Commission to the Secretariat documenting that the establishment, renewal, reestablishment, or merger of the committee is essential to the conduct of NRC business and that the information to be obtained is not already available through another advisory committee or source within the Federal Government. At a minimum, the following factors should be addressed in the written public interest determination provided to the Secretariat (with a copy to OMB) to demonstrate that establishing the committee is in the public interest:

(1) Annual budget and expected costs broken into:

(i) Federal personnel (based on full-time equivalent (FTE) usage basis) and other Federal internal costs;

(ii) Proposed payments to members and number of members; and

(iii) Reimbursable costs;

(2) If applicable, the total dollar value of grants expected to be recommended during the fiscal year;

(3) Criteria for selecting members to ensure the committee has the necessary expertise and fairly balanced membership;

(4) List of all other Federal advisory committees of the NRC;

(5) Justification that the information or advice provided by the Federal advisory committee is not available from another Federal advisory committee, another Federal Government source or any other more cost-effective and less burdensome source; and

(6) If the justification relates to a renewal, a summary of the previous accomplishments of the committee and the reasons it needs to continue.

(b) *Considerations for fairly balanced membership.* To comply with the Act's requirement for fairly balanced membership, during the Federal advisory committee member recruitment process the NRC should consider the following:

(1) *The points of view required.* During the formation of the advisory committee membership and as membership vacancies occur, the NRC should ensure that it fully considers and understands the potential implications or anticipated impacts of the advisory committee's potential recommendations. This includes consideration of the groups and entities potentially affected or interested in such recommendations, as appropriate based on the nature and functions of the advisory committee, so that the NRC can make informed decisions on the areas of expertise or perspectives that would advance the work of the advisory committee. Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed by the committee.

(2) *Outreach.* Having identified the points of view that would promote a fairly balanced advisory committee membership, the NRC should conduct broad outreach.

(c) *Advisory committee charters.* An advisory committee charter is intended to provide a description of an advisory committee's mission, goals, and objectives. The Commission approves advisory committee charters for establishments, renewals, re-establishments, or mergers. The charter must contain the following information:

(1) The advisory committee's official designation (official name);

(2) The legal authority that permits the advisory committee to be established;

(3) The objectives and the scope of the advisory committee's activities;

(4) A description of the duties for which the advisory committee is responsible and specification of the authority for any non-advisory functions;

(5) The NRC official(s) to whom the advisory committee submits its recommendations;

(6) The NRC office responsible for providing the necessary support to the advisory committee;

(7) The estimated annual costs to operate the advisory committee in dollars and person years (FTE). The estimated costs should break down all costs into the three categories described in paragraph (a)(1) of this section;

(8) The estimated number and frequency of the advisory committee's meetings;

(9) The period of time necessary for the committee to carry out its purposes;

(10) The planned termination date, if less than two years from the date of establishment of the advisory committee;

(11) The estimated number of advisory committee members, the expertise or experience required, and the anticipated committee member designations;

(12) Whether subcommittees may be created and by whom; and

(13) The date the charter is filed in accordance with § 7.8.

(d) *Subcommittees.* In general, the requirements of the Act and the policies of this part do not apply to subcommittees of advisory committees as long as the subcommittee reports only to that parent advisory committee and not directly to a Federal officer or the NRC. However, before establishing a subcommittee under a discretionary committee that is not made up entirely of members of a parent advisory committee, the Commission shall follow the same consultation process and document in writing the same determination of need for the subcommittee as is required under paragraph (a) of this section.

§ 7.6 Amendments to advisory committee charters.

The Commission is responsible for amending the charter of an advisory committee. Final authority for amending the charter of an NRC advisory committee established or utilized by the NRC is vested in the Commission. Amending any existing advisory committee charter does not constitute renewal of the advisory committee under § 7.7. A committee charter that has been amended pursuant to this introductory text is subject to the filing requirements set forth in § 7.8. The procedures for making changes and filing amended charters will depend upon the authority basis for the advisory committee:

(a) *Non-discretionary advisory committees.* When Congress by law, or the President by Presidential directive (*e.g.,* Executive order), changes the authorizing language that has been the basis for establishing an NRC advisory committee, the Commission shall amend those sections of the current charter affected by the new statute or Presidential directive and file the amended charter as specified in § 7.8.

(b) *Discretionary advisory committees.* The Commission shall amend the charter of a discretionary advisory committee when the Commission determines that provisions of a filed charter are inaccurate or obsolete, specific provisions have changed, such as the name of the advisory committee, number of members, estimated number or frequency of meetings, objectives, or estimated costs, or when advisory committees need to be merged. When a statute or Executive order that authorized the establishment of a discretionary advisory committee is amended, those sections of the advisory committee's charter affected by the amendments shall also be amended. The NRC shall then file the amended charter as specified in § 7.8.

(c) *General Counsel coordination.* Any proposed changes made to a current charter for an NRC advisory committee shall be coordinated with the General Counsel to ensure that they are consistent with applicable legal requirements.

(d) *Public notification of charter amendments.* The NRC shall post an announcement and a copy of the charter amendment on the advisory committee website. If an advisory committee website is not available, the NRC shall publish a notice of amendment in the **Federal Register**. The **Federal Register** notice publishing or website posting of charter amendments may be performed concurrently with the filing of the charter. The publishing requirement in the **Federal Register** does not apply to a non-discretionary advisory committee if the amendment was the result of a legislative change or Presidential directive.

§ 7.7 Termination, renewal, and rechartering of advisory committees.

(a) Except as provided in paragraph (b)(1) of this section, each NRC advisory committee shall terminate two years after it is established, reestablished, or renewed, unless—

(1) The President or the Commission, as applicable, determines that the advisory committee has fulfilled the purpose for which it was established and terminates the advisory committee sooner;

(2) The President or the Commission, as applicable, determines that the advisory committee is no longer carrying out the purpose for which it was established and terminates the advisory committee sooner;

(3) The statutory authority used to establish the advisory committee provides a different duration or termination, either stated in or implied by operation of the statute; or

(4) The President or the Commission, as applicable, renews the advisory committee not later than two years after its date of establishment, renewal, or reestablishment in accordance with § 7.4.

(b)(1) An NRC advisory committee that is established by statute shall require rechartering by the filing of a new charter every two years after the date of enactment of the statute establishing the committee. If the committee's charter lapses before a new charter is filed, the committee is not terminated, but it may not meet or take any actions until a new charter is filed.

(2) Any other NRC advisory committee may be renewed, provided that such renewal is carried out in compliance with the procedures set forth in § 7.5, except that an advisory committee established by the President may be renewed by appropriate action of the President and the filing of a new charter. Renewal of an NRC advisory committee shall not be deemed to terminate the appointment of any committee member who was previously appointed to serve on the committee.

(c) The NRC Committee Management Officer shall notify the Committee Management Secretariat of the effective date of termination of any NRC advisory committee.

(d) If the Commission needs an advisory committee that was terminated and there is still adequate authority, as described in § 7.4, for establishing the advisory committee, the committee can be reestablished in accordance with § 7.5.

§ 7.8 Charter filing requirements.

No advisory committee may meet or take any action until a charter has been filed by the Committee Management Officer designated in accordance with § 7.10 or by another agency official designated by the Commission.

(a) To amend a charter for, or establish (including due to a merger), renew, or reestablish a discretionary advisory committee, a charter must be filed with:

(1) The Commission;

(2) The Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives. The date of filing with these congressional committees constitutes the official date of establishment for the advisory committee;

(3) The Library of Congress;

(4) The Committee Management Secretariat, indicating the date the charter was filed with the congressional committees; and

(5) The Office of Management and Budget (OMB).

(b) Charter filing requirements for non-discretionary advisory committees are the same as those in paragraph (a) of this section, except the date of establishment, renewal, merger, or reestablishment for a Presidential advisory committee is the date the charter is filed with the Secretariat.

§ 7.9 Public notification requirements for discretionary advisory committees.

(a) After submitting to the Secretariat the written public interest determination containing the information required under § 7.5(a), and following receipt of an assessment by the Secretariat providing its views on whether establishment of the advisory committee is in the public interest or notification from the Secretariat that no such assessment will be produced, the NRC shall publish a notice in the **Federal Register** announcing that the advisory committee is being established, renewed, reestablished, or merged. The notice must include the written public interest statement approved by the Commission described in § 7.5(a) and any assessment provided by the Secretariat.

(b) The required notices for establishment, renewal, reestablishment, or merger must appear at least seven calendar days before the charter is filed, unless the Secretariat approves less than seven calendar days when requested by the NRC in exceptional circumstances.

§ 7.10 The Committee Management Officer.

(a) The Chairman of the Commission or designee shall designate a Committee Management Officer (CMO) to carry out the functions specified in paragraph (b) of this section.

(b) The CMO shall—

(1) Carry out all responsibilities delegated to such officer by the Commission and manage the NRC's FACA program;

(2) Ensure that administrative guidelines and management controls are issued that apply to all NRC advisory committees and issue guidelines specifying the content of committee bylaws;

(3) Exercise control and supervision over the establishment, procedures, and accomplishments of NRC advisory committees;

(4) Assemble and maintain the reports, records, and other papers of any such committee during the committee's existence;

(5) Carry out, on behalf of the NRC, the provisions of the Freedom of Information Act (5 U.S.C. 552) and implementing NRC regulations (10 CFR part 9, subpart A) with respect to such reports, records, and other papers;

(6) Ensure that, subject to the Freedom of Information Act and implementing NRC regulations at 10 CFR part 9, subpart A, copies of the records, reports, transcript minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each NRC advisory committee are available for public inspection and copying at the NRC website, *https://www.nrc.gov*, at the NRC Public Document Room, or both, until the advisory committee ceases to exist;

(7) Ensure that, subject to the Freedom of Information Act and implementing NRC regulations, at least eight copies of each report made by each NRC advisory committee and, where appropriate, background papers prepared by consultants, shall be filed with the Library of Congress;

(8) Ensure that NRC keeps such records as will fully disclose the disposition of any funds that may be at the disposal of NRC advisory committees and the nature and extent of their activities;

(9) Ensure that NRC keeps such other records and provides such support services as are required by § 7.22; and

(10) Ensure that sections 10(b), 12(a), and 13 of the Act (codified at 5 U.S.C 1009(b), 1011(a), and 1012, respectively) are implemented by the NRC to provide for appropriate recordkeeping. Records to be kept by the CMO include, but are not limited to:

(i) A set of filed charters for each advisory committee and membership lists for each advisory committee and subcommittee;

(ii) Copies of the information provided as the NRC's portion of the annual comprehensive review of Federal advisory committees, prepared according to § 7.16;

(iii) NRC administrative guidelines maintained and updated on committee management operations and procedures; and

(iv) NRC determinations to close or partially close advisory committee meetings required by § 7.15.

§ 7.11 The Designated Federal Officer.

(a) The Chairman of the Commission or designee shall designate a Designated Federal Officer (DFO) or alternate DFO for each NRC advisory committee and its subcommittees. The individual(s) holding such positions must be employed by the Federal Government on either a full-time or a permanent part-time basis.

(b) The DFO or alternate DFO must:

(1) Ensure that their committee activities comply with the Act, this part, and any other applicable laws, regulations, or NRC administrative procedures;

(2) Approve or convene all meetings of the NRC advisory committee or subcommittee;

(3) Approve the agenda for each committee meeting (except a meeting of a Presidential advisory committee);

(4) Attend all meetings of the committee and subcommittees for their duration;

(5) Adjourn any meetings of the committee or subcommittees when the DFO determines such adjournment is in the public interest;

(6) Chair any meetings of the committee or subcommittees when so directed by the Commission;

(7) Maintain information on advisory committee activities and provide such information to the public, as applicable;

(8) Make copies of committee documents required to be maintained for public inspection and copying pursuant to § 7.14(b) and ensure their availability at the NRC website, *https://www.nrc.gov,* at the NRC Public Document Room, or both.

(9) Ensure compliance with the requirements of § 7.13 regarding minutes of meetings of the committee; and

(10) Ensure advisory committee members and subcommittee members, as applicable, receive the appropriate training (*e.g.,* FACA overview, ethics training) for compliance with the Act and this part.

(c) An NRC advisory committee may not hold a meeting in the absence of its DFO or alternate DFO.

§ 7.12 Public participation in and public notice of advisory committee meetings.

(a) Each meeting of an NRC advisory committee shall be held at a reasonable time and in a place reasonably accessible to the public, including persons with disabilities. Any advisory committee meeting conducted, in whole or part by teleconference, video conference, the internet, or other electronic medium, must comply with this part. The size of the meeting room must be sufficient to accommodate advisory committee members, advisory committee or agency staff, and a reasonable number of interested members of the public, except that the provisions of this paragraph (a) relating to the room size shall not apply to any part of an NRC advisory committee meeting that has been closed pursuant to § 7.15. The **Federal Register** notices, agendas, and supporting materials related to each meeting should be posted on the agency advisory committee website as soon as they are available or at the time they are provided to the advisory committee members.

(b) Any member of the public who wishes to do so shall be permitted to file a written statement with an NRC advisory committee whether or not the statement is related to a specific meeting. The committee chairperson may also permit members of the public to speak at meetings of the committee in accordance with procedures established by the committee.

(c)(1) At least seven calendar days prior to an NRC advisory committee meeting, a notice that includes the following information shall be published in the **Federal Register***:*

(i) The exact name of the advisory committee (or subcommittee, if applicable);

(ii) The time, date, physical place (and/or instructions to connect electronically), and purpose of the meeting;

(iii) Whether meeting registration is required;

(iv) A summary of the agenda of the meeting, and/or topics to be discussed and instructions on how to access meeting materials;

(v) A statement whether all or part of the meeting is open to the public or closed; if the meeting is closed in whole or in part, state the reasons why under § 7.15, citing the specific exemption(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c);

(vi) Instructions for submitting written comments, and oral comments, if permitted;

(vii) Instructions on how to submit a request for physical meeting or electronic meeting accommodations consistent with the relevant sections of the Rehabilitation Act, as amended, 29 U.S.C. 794; and

(viii) The contact information for the DFO, alternate DFO, or other responsible agency official, or agency electronic mailbox for the committee, to contact for additional information concerning the meeting.

(2) In exceptional circumstances, or when the President determines in writing that it is necessary for reasons of national security, less than seven calendar days' notice of an advisory committee meeting may be given, provided that there is as much prior notice as possible and the reasons for the shorter time are included in the committee meeting notice published in the **Federal Register**.

(3) The Commission may publish a single notice announcing multiple meetings; however, a meeting may not be announced so far in advance as to prevent the public from being adequately informed of an NRC advisory committee's schedule.

(d) In addition to notice required by paragraph (c) of this section, the NRC may also use other forms of notice, such as press releases, posting the information on the NRC website, *https://www.nrc.gov,* notice by mail, social media, etc., to inform the public of advisory committee meetings and provide as much advance notice as possible. To that end, the DFO or alternate for each NRC advisory committee will, to the extent practicable, maintain lists of people and organizations interested in that advisory committee and notify them of meetings by mail.

(e) Meetings of a subcommittee whose recommendations will not be reviewed by its parent advisory committee shall be conducted in accordance with all notice and openness requirements contained in this section and in §§ 7.13, 7.14, and 7.15.

§ 7.13 Minutes of advisory committee meetings.

(a) Detailed minutes shall be kept of each NRC advisory committee meeting, including one that is closed or partially closed to the public. The minutes shall include the following information:

(1) The time, date, and place (or electronic format) of the advisory committee meeting;

(2) A list of the persons who were present at the meeting, including advisory committee members and staff, agency employees, or members of the public who presented oral or written statements;

(3) An estimate of the number of other members of the public who were present;

(4) The extent of public participation; and

(5) An accurate description of each matter discussed during the meeting and its resolution, if any, made by the advisory committee at the meeting.

(b) The minutes of an NRC advisory committee meeting shall include a copy of each report or other document received, issued, or approved by the advisory committee in connection with the meeting. If it is impracticable to attach a document to the minutes, the minutes shall describe the document in sufficient detail to permit it to be identified readily.

(c) The chairperson of an NRC advisory committee shall certify to the accuracy of the minutes of each of the committee's meetings. In the case of a subgroup of an advisory committee, the chairperson of the subgroup shall certify to the accuracy of the minutes.

(d) A verbatim transcript of an advisory committee meeting may be substituted for minutes required by this section, providing that the use of such a transcript is in accordance with the requirements of paragraphs (a), (b), and (c) of this section.

(e) The DFO must ensure that minutes are certified for accuracy by the chairperson within 90 calendar days of the meeting to which they relate. The advisory committee should post the meeting minutes on the agency website for that advisory committee.

§ 7.14 Public information on advisory committees.

The NRC seeks to be as transparent and timely as possible when providing public access to advisory committee activities and materials. The NRC, as appropriate, shall establish public-facing websites to help the public understand the NRC's advisory committee program and use additional notification methods to reach advisory committee stakeholders pursuant to section 10 of the Act (codified at 5 U.S.C 1009).

(a) The NRC shall maintain systematic information on the nature, functions, and operations of each NRC advisory committee. A complete set of the charters of NRC advisory committees and copies of the annual reports required by § 7.17(a) will be maintained for public inspection at either the NRC website, *https://www.nrc.gov,* at the NRC Public Document Room, or both.

(b) Subject to the provisions of the Freedom of Information Act (5 U.S.C. 552) and NRC's Freedom of Information Act regulations at 10 CFR part 9, subpart A, copies of NRC advisory committees' records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, and other documents shall be maintained for public inspection and copying at the NRC website, *https://www.nrc.gov,* at the NRC Public Document Room, or both. To provide the public a meaningful opportunity to comprehend fully the work undertaken by an NRC advisory committee, advisory committee records should be available to the public as soon as practicable. Members of the public or other interested parties may review non-exempt advisory committee records without filing a request for these records under the Freedom of Information Act.

(c) Official records generated by or for an advisory committee must be retained for the duration of the advisory committee. Upon termination of the advisory committee, the records must be processed in accordance with the Federal Records Act (44 U.S.C. chapters 21, 29–33) and regulations issued by the National Archives and Records Administration (see 36 CFR parts 1220, 1222, 1228, and 1234), or in accordance with the Presidential Records Act (44 U.S.C. chapter 22).

§ 7.15 Procedures for closing an NRC advisory committee meeting.

(a) To close all or part of a meeting of an NRC advisory committee, the DFO shall submit a written request for closure to the General Counsel, citing specific exemptions listed in the Government in the Sunshine Act (5 U.S.C. 552b(c)), as implemented by 10 CFR 9.104, that justifies the closure. The request shall provide the General Counsel sufficient time to review the matter in order to make a determination prior to publication of the meeting notice pursuant to § 7.12.

(b) If the General Counsel finds that the request for closure is consistent with the provisions of the Government in the Sunshine Act, FACA, and this part, a determination shall be issued in writing that all or part of the meeting will be closed. The determination shall include a statement of the reasons for the closing, citing the applicable exemptions in the Government in the Sunshine Act (as implemented by 10 CFR 9.104).

(c) The Secretary of the Commission shall make a copy of the determination to close all or part of an NRC advisory committee meeting available to the public upon request. If such a determination has been issued, the meeting notice published in the **Federal Register** must comply with the provisions of § 7.12 applicable to closed meetings.

(d) The following activities of an advisory committee are excluded from the procedural requirements contained in this part pertaining to notice and open meetings:

(1) *Preparatory work.* Meetings of two or more advisory committee or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for deliberation by advisory committee members in a public meeting of the advisory committee, or deliberation by subcommittee members in a public meeting of the subcommittee (where applicable). These meetings to conduct preparatory work do not include deliberation among advisory committee or subcommittee members; and

(2) *Administrative work.* Meetings of two or more advisory committee or subcommittee members convened solely to discuss administrative matters of the advisory committee or subcommittee (such as meeting logistics) or to receive administrative information from a Federal officer or agency (such as a briefing on ethics or FACA procedural requirements).

§ 7.16 Annual review.

(a) The Commission shall conduct an annual review of the activities and responsibilities of each NRC advisory committee to determine whether the committee—

(1) Is carrying out its purposes or, consistent with the public interest and, as applicable, provisions of applicable statutes, its responsibilities should be revised or renewed;

(2) Should be merged with another advisory committee; or

(3) Should be terminated.

(b) The review required by paragraph (a) of this section shall include consideration of such information regarding the committee as is required for the Commission's annual report to the Secretariat pursuant to § 7.17(a), including consideration of the criteria listed in § 7.5(a), and such other information as may be requested from the Committee by the CMO. The results of such review shall be included in the annual report to the Secretariat.

(c) If, as a result of the review required by this section, the Commission determines that an advisory committee is no longer needed, the committee shall be terminated; except that in the case of an advisory committee established by an Act of Congress or the President, the committee's termination shall be recommended to the President or the Congress, as the case may be.

§ 7.17 Reports required for advisory committees.

(a) The Commission shall furnish a report on the activities of NRC advisory committees annually to the Secretariat on a fiscal year basis. The report must contain information regarding NRC advisory committees consistent with instructions provided by the Secretariat. The information provided by the Commission regarding its advisory committees is contained in the Secretariat's report as part of the annual comprehensive review which is available on the GSA FACA database.

(b) Any NRC advisory committee holding closed or partially closed meetings shall issue a report, at least annually, setting forth a summary of its activities as would be informative to the public consistent with the policy of the Freedom of Information Act reflected at 5 U.S.C. 552(b). A copy of the report shall be made available at the NRC website, *https://www.nrc.gov,* at the NRC Public Document Room, or both.

(c) Subject to the Freedom of Information Act (5 U.S.C. 552) and implementing NRC regulations (10 CFR part 9, subpart A), eight copies of each report made by an advisory committee, including any report on closed meetings pursuant to paragraph (b) of this section, and, where appropriate, background papers prepared by experts or consultants, shall be filed for public inspection and use with the Library of Congress.

§ 7.18 Appointment, compensation, and expense reimbursement of advisory committee members, staffs, and consultants.

(a) The Commission appoints or invites individuals to serve on committees, unless otherwise provided for by a specific statute or Presidential directive. Advisory committee members serve at the pleasure of the Commission and their terms are at the sole discretion of the Commission.

(b) Except where otherwise provided by law, the Commission may accept the gratuitous services of an NRC advisory committee member, staff member, or consultant who agrees in advance to serve without compensation.

(c)(1) Subject to the provisions of paragraph (c)(2) of this section, if the Commission determines that compensation of a member of an NRC advisory committee is appropriate, the amount that will be paid shall be fixed by the Chairman of the Commission at a rate that is the daily equivalent of a rate in NRC's General Grade Salary Schedule, unless the member is appointed as a consultant and compensated at a rate applicable to NRC consultants.

(2) In determining an appropriate rate of pay for a member of an NRC advisory committee, the Chairman of the Commission shall give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required for the work involved; provided that the Chairman may not set the rate of pay for an NRC advisory committee member higher than the daily equivalent rate for level III of the Executive Schedule under 5 U.S.C. 5314, unless a higher rate is expressly allowed by another statute. The Commission may not provide additional compensation in any form, such as bonuses or premium pay.

(d)(1) Federal employees serving as either an advisory committee member or as a staff person remain covered during the assignment by the compensation system of their employing agency.

(2) A staff member who is not otherwise a Federal employee shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(e) Advisory committee members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed reimbursement for travel expenses, including per diem, per the rates established for employees by the GSA Administrator at 5 U.S.C. 5702. In order to minimize travel expenses, virtual meetings should be held or virtual attendance should be provided for committee members who would otherwise need to travel. Reimbursement of travel expenses should only be done when the Presidential directive, authorizing statute, or committee charter allows for it, funds are available, and expenditure of funds will not exceed budgeted amounts.

(f) Nothing in this section shall affect a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the NRC's General Salary Schedule and evaluation system.

§ 7.19 Advisory committee members with disabilities.

While performing advisory committee duties, an advisory committee member with disabilities may be provided the same services by a personal assistant as those that may be provided to employees per 5 U.S.C. 3102.

§ 7.20 Conflict of interest reviews of advisory committee members' outside interests.

The DFO or alternate DFO for each NRC advisory committee and the General Counsel or designee shall review the interests and affiliations of each member of the DFO's advisory committee annually, and upon the commencement of the member's appointment to the committee, for the purpose of ensuring that such appointment is consistent with conflict of interest laws and Federal ethics requirements applicable to that member and that the advice or recommendations of the committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment.

§ 7.21 [Reserved]

§ 7.22 Fiscal and administrative responsibilities.

Committees should actively seek to minimize costs associated with their activities and should be transparent about all expenditures. The NRC shall keep records fully disclosing the amount budgeted to each committee, a detailed account of all committee expenditures and NRC expenditures on behalf of the committees, and the nature and extent of their activities. This information shall be reported to the Secretariat as part of the Secretariat's annual comprehensive review, and NRC websites for individual committees shall include this information or a link to where this information may be accessed in GSA's FACA database.

(a) The Office of the Chief Financial Officer shall keep such records as will fully disclose the disposition of any funds that may be at the disposal of NRC advisory committees.

(b) Before establishing an advisory committee, the NRC shall identify requirements and ensure that adequate resources are available to support anticipated activities, such as work and meeting space, necessary technology, supplies and equipment (*e.g.,* adequate virtual meeting capabilities), Federal staff support, access to key decisionmakers, and member access to meetings.

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

■ 5. The authority citation for part 10 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 145, 161 (42 U.S.C. 2165, 2201); Energy Reorganization Act of 1974, sec. 201 (42 U.S.C. 5841); E.O. 10450, 18 FR 2489, 3 CFR, 1949–1953 Comp., p. 936, as amended; E.O. 10865, 25 FR 1583, 3 CFR, 1959–1963 Comp., p. 398, as amended; E.O. 12968, 60 FR 40245, 3 CFR, 1995 Comp., p. 391.

■ 6. In § 10.1, revise paragraph (b) to read as follows:

§ 10.1 Purpose.

* * * * *

(b) This part is published to implement the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; Executive Order 10865; Executive Order 10450; Executive Order 12968; and Security Executive Agent Directive 4, National Security Adjudicative Guidelines (Effective June 8, 2017), as issued by the Director of National Intelligence, or any successor directive.

■ 7. Revise § 10.11 to read as follows:

§ 10.11 Criteria.

(a) Eligibility for access authorization and/or employment clearance shall be determined in accordance with Security

Executive Agent Directive 4, National Security Adjudicative Guidelines (SEAD 4) (Effective June 8, 2017), as issued by the Director of National Intelligence, or any successor directive.

(b) In applying the guidelines in paragraph (a), the NRC shall consider the whole person concept, evaluating the individual's conduct in context, including, but not limited to, the nature, extent, and seriousness of the behavior; the circumstances surrounding the conduct; the frequency and recency of the behavior; the individual's age and maturity at the time of the conduct; and evidence of rehabilitation or positive change.

Dated: August 7, 2026.

For the Nuclear Regulatory Commission.

Jody Martin,

Secretary of the Commission.

[FR Doc. 2026–16374 Filed 8–10–26; 8:45 am]

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SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

[SBA–2026–0133]

RIN 3245–AI75

Reforms to 13 CFR 124.103 To Remove SBA's 8(a) Program's Rebuttable Presumption of Social Disadvantage for Individually Owned Firms Only. Reforms Do Not Impact Entity-Owned Firms

AGENCY: U.S. Small Business Administration.

ACTION: Final rule.

SUMMARY: The U.S. Small Business Administration (''SBA'' or ''Agency'') amends its regulations to align the Section 8(a) Business Development Program (8(a) BD program) with constitutional requirements and the law. The rule applies *only* to the 8(a) BD eligibility of small businesses owned and controlled by individuals. It does not in any way amend or affect the eligibility of entity-owned small businesses (*i.e.,* those owned by tribes, Alaska Native Corporations, Native Hawaiian Organizations, or Community Development Corporations). Specifically, the rule amends SBA's regulations to remove the rebuttable presumption that individuals belonging to certain designated groups are socially disadvantaged and sets forth revised standards for individuals establishing social disadvantage.

DATES: This rule is effective on September 10, 2026. It applies to all pending applications of individually-owned applicants as of that date.

FOR FURTHER INFORMATION CONTACT: Ryan Lambert, Associate Administrator of Government Contracting and Business Development, *GCBDregs@sba.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Congress enacted the Small Business Act, 15 U.S.C. 631 *et seq.* (the ''Act'') in 1953 to ''aid, counsel, assist, and protect'' small businesses, to ensure a ''fair proportion'' of government contracts go to small businesses, 15 U.S.C. 631a(a)–(b), and to ''preserv[e] . . . the competitive free enterprise system.'' *Id.* 631a(b). Among other provisions, the Act established the 8(a) Business Development (BD) program, which creates contracting preferences for small businesses owned and controlled by one or more ''socially and economically disadvantaged'' individuals. 15 U.S.C. 637. In implementing the 8(a) BD program, SBA created a rebuttable presumption finding that members of certain groups were socially disadvantaged individuals. Specifically, 13 CFR 124.103(b)(1) provided that Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and Subcontinent Asians are presumed to be socially disadvantaged individuals. A small business not entitled to the rebuttable presumption challenged the use of the presumption in the United States District Court for the Eastern District of Tennessee, contending that the presumption violated its right to equal protection because it does not further a compelling governmental interest and is not narrowly tailored to achieve that interest. In response to the constitutional challenge, the Court issued an Order finding that the regulatory rebuttable presumption violated the right to equal protection under the United States Constitution and enjoined the SBA from continuing to use the rebuttable presumption in administering the program. *Ultima Servs. Corp.* v. *United States Dep't of Agric.,* 683 F. Supp. 3d 745, 774 (E.D.Tenn. 2023) (''*Ultima*''). On November 25, 2025, the Department of Justice advised the Speaker of the House, pursuant to 28 U.S.C. 530D, that the rebuttable presumption violates the Constitution and that the Department of Justice would no longer defend it in court. SBA fully agrees that the rebuttable presumption is unconstitutional.

On June 11, 2026, SBA published in the **Federal Register** a proposed rule amending its 8(a) BD regulations to remove the unconstitutional rebuttable presumption that individuals belonging to certain designated groups are socially disadvantaged individuals. 91 FR 35433. SBA also proposed a test by which any individual American citizen can establish social disadvantage by showing that within his or her lifetime, the federal or a state or local government or a university or corporation, through any action, policy, rule, regulation, or other practice of any of its agencies, subsidiaries, or authorized agents, discriminated or was biased against a clearly definable racial, ethnic, or cultural group of which the citizen is a member, or favored in any way a racial, ethnic, or cultural group of which the citizen is not a member, and that the discrimination, bias, or harm materially harmed the citizen.

During the proposed rule's 30-day comment period, SBA timely received 114 comments. A plurality of comments expressed opposition to the proposed rule. However, many of these comments addressed issues outside the scope of this rulemaking, sought to extend unconstitutional race-based presumptions, or could be reasonably interpreted as objecting to the inclusion of certain races, namely White Americans, into the 8(a) program. Accordingly, SBA has determined that a substantial portion of the commenters opposed to the proposed rule reflect issues not directly relevant to the subject of this rulemaking or in conflict with the *Ultima* ruling and inconsistent with a race-neutral 8(a) BD program.

Specifically, a number of comments cited concerns related to entity-owned firms' access to the program and disparities between the requirements relating to entity-owned firms and those owned by disadvantaged individuals. The proposed rule specifically stated that the rule did not apply to entity-owned firms. Several commenters questioned why that was the case. Conversely, several other commenters supported SBA for limiting the proposed changes to only individually owned small businesses, citing political classifications of tribes, Alaska Native Corporation (ANCs), and Native Hawaiian Organization (NHOs). SBA continues to note that this rule applies only to individually owned applicants to the 8(a) BD program. The Court in *Ultima* enjoined SBA from using the rebuttable presumption of social disadvantage in administering the 8(a) BD program. Statutorily, social disadvantage is not an element of eligibility for any firm owned by a tribe, ANC, NHO, or CDC. As such, no firm owned by an entity must establish social disadvantage and any rule changes