

Title 49—Transportation**PART 264—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**

- 2. Revise the authority citation for part 264 to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303 and 24201; 23 U.S.C. 139, 327, 330; 49 CFR 1.81; Pub. L. 112–141, 126 Stat. 405, Section 1319; and Pub. L. 114–94, 129 Stat. 1312, Sections 1309, 1432, 11502, and 11503.

- 3. Revise part 622, Subpart A to read as follows:

PART 622—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES**Subpart A—Environmental Procedures**

Authority: 42 U.S.C. 4321 *et seq.*; 49 U.S.C. 303, 5323(c), and 5323(q); 23 U.S.C. 139, 326, 327, and 330; Pub. L. 109–59, 119 Stat. 1144, Sections 6002 and 6010; 49 CFR 1.81; Pub. L. 112–141, 126 Stat. 405, Sections 1315, 1316, 1317, and 1318; and Pub. L. 114–94, Section 1309.

§ 622.101 Cross-reference to procedures.

The procedures for complying with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and related statutes, regulations, and Executive Orders are set forth in 23 CFR part 771, including compliance with FTA's environmental review statute located at 49 U.S.C. 5323(c). The procedures for complying with 49 U.S.C. 303, commonly known as "Section 4(f)," are set forth in 23 CFR part 774. The procedures for complying with the Surface Transportation Project Delivery Program application requirements and termination are set forth in 23 CFR part 773. The procedures for participating and complying with the program for eliminating duplication of environmental reviews are set forth in 23 CFR part 778.

[FR Doc. 2026–17904 Filed 8–31–26; 8:45 am]

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DEPARTMENT OF JUSTICE**28 CFR Part 27**

[Docket No. 164; AG Order No. 7114–2026]

Technical Amendments to the Regulations Providing Whistleblower Protection for Federal Bureau of Investigation Employees

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule makes technical amendments to relevant portions of 28

CFR part 27, the Department of Justice (Department) regulations on the protection of whistleblowers in the Federal Bureau of Investigation (FBI), so that the provisions conform with organizational changes brought about by a restructuring of the Justice Management Division (JMD).

DATES: Effective September 1, 2026.

FOR FURTHER INFORMATION CONTACT: John E. Thompson, Deputy General Counsel, Justice Management Division; email: *John.E.Thompson@usdoj.gov*.

SUPPLEMENTARY INFORMATION: This rule makes technical amendments to certain provisions in 28 CFR part 27 to reflect that "the Office of Attorney Recruitment and Management" has been renamed "the Office of Adjudication, Recruitment, and Management" (OARM) as part of a reorganization of JMD, which included the formal realignment of OARM to JMD.

Regulatory Analysis

In developing this rule, the Department considered numerous statutes and executive orders applicable to rulemaking. The Department's analysis of the applicability of those statutes and executive orders to this rule is summarized below.

A. Administrative Procedures Act

This rule relates to matters of agency personnel, organization, and procedure, and, pursuant to 5 U.S.C. 553(a)(2), it is exempt from the requirements of notice and comment and a 30-day delay in the effective date.

B. Executive Orders 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. This rule makes technical amendments to portions of the existing regulations that provide whistleblower protection for FBI employees and applicants to conform with organizational changes within JMD. The changes do not materially affect the number of claims or the time, cost, or resources required to address them.

Accordingly, this rule does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866. The Office of Management and Budget has not reviewed this rule under these Orders.

Further, as this rule relates to agency organization, management, or

personnel, it is fully exempt from the numerical 10-for-1 and cost offset requirements of Executive Order 14192.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–12, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. 5 U.S.C. 601.

The Attorney General certifies under 5 U.S.C. 605(b) that this rule does not have a significant economic impact on a substantial number of small entities. The rule makes technical amendments to the portions of the regulations governing the Department's internal process for addressing allegations of retaliation for protected whistleblowing by FBI employees and applicants. It has no application to small entities as defined above.

D. Paperwork Reduction Act

This final rule does not call for a new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–20.

E. Executive Order 13132 (Federalism)

A rule has federalism implications under Executive Order 13132 if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. E.O. 13132, sec. 1(a). The Department has analyzed this rule under that Order and determined that this rule does not have federalism implications.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–38, requires Federal agencies to determine whether a rule, if promulgated, will result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million (adjusted for inflation) or more in any one year. 2 U.S.C. 1532(a). This rule does not require or result in expenditures by any of the above-named entities.

G. Executive Order 12988 (Civil Justice Reform), Plain Language

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This rule does not have tribal implications under Executive Order 13175 because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

I. Congressional Review Act

The reporting requirements of the Congressional Review Act (Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996), 5 U.S.C. 801–08, do not apply to this rule. This rule relates primarily to agency management, personnel, and organization. 5 U.S.C. 804(3)(B). The rule makes technical amendments to 28 CFR part 27, as necessary to conform to recent Department organizational changes. This action is accordingly not a “rule” as that term is used by the Congressional Review Act, *see* 5 U.S.C. 804(3), and the reporting requirement of 5 U.S.C. 801 does not apply.

List of Subjects in 28 CFR Part 27

Government employees, Justice Department, Organization and functions (Government agencies), Whistleblowing.

Authority and Issuance

For the reasons stated above, the Department of Justice amends 28 CFR part 27 as follows:

PART 27—WHISTLEBLOWER PROTECTION FOR FEDERAL BUREAU OF INVESTIGATION EMPLOYEES

■ 1. The authority citation for part 27 continues to read as follows:

Authority: 5 U.S.C. 301, 3151; 28 U.S.C. 509, 510, 515–519; 5 U.S.C. 2303; President’s Memorandum to the Attorney General, Delegation of Responsibilities Concerning FBI Employees Under the Civil Service Reform Act of 1978, 3 CFR p. 284 (1997); Presidential Policy Directive 19, “Protecting Whistleblowers with Access to Classified Information” (October 10, 2012).

■ 2. Amend § 27.4 by revising the section heading and paragraph (a) to read as follows:

§ 27.4 Corrective action and other relief; Director, Office of Adjudication, Recruitment and Management.

(a) If, in connection with any investigation, the Conducting Office determines that there are reasonable grounds to believe that a reprisal has been or will be taken, the Conducting Office shall report this conclusion,

together with any findings and recommendations for corrective action, to the Director of the Office of Adjudication, Recruitment, and Management (the Director). If the Conducting Office’s report to the Director includes a recommendation for corrective action, the Director shall provide an opportunity for comments on the report by the FBI and the Complainant. The Director, upon receipt of the Conducting Office’s report, shall proceed in accordance with paragraphs (e) and (f) of this section. A determination by the Conducting Office that there are reasonable grounds to believe that a reprisal has been or will be taken shall not be cited or referred to in any proceeding under these regulations, without the Complainant’s consent.

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Todd Blanche,
Attorney General.

[FR Doc. 2026–17815 Filed 8–31–26; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

[SATS No. MT–041–FOR; Docket No. OSM–2023–0002; S1D1S SS08011000 SX064A000 266S180110; S2D2S SS08011000 SX064A000 26XS501520]

Montana Regulatory Program

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

ACTION: Final rule; correction.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) published a document in the **Federal Register** on August 21, 2026, not approving, with one exception, an amendment to the Montana regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM made an error in the document by adding an entry to 30 CFR 926.12 at paragraph (c), a paragraph that already existed. This document corrects the final regulation.

DATES: The correction is effective as of September 21, 2026.

FOR FURTHER INFORMATION CONTACT: Attn: Jeffrey Fleischman, Field Office Director, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, Casper, Wyoming 82602, Telephone: (307) 261–6550, Email: jfleischman@osmre.gov.

SUPPLEMENTARY INFORMATION: This is a summary of errata from OSM’s final rule published August 21, 2026 (91 FR 54218), FR Doc. 2026–17055 on page 54223, columns 2–3. In our August 21, 2026, final rule, OSM amended 30 CFR 926.12 (State program provisions and amendments not approved) to add our decision regarding State Program Amendment MT–041–FOR (Docket No. OSM–2023–0002) at paragraph (c). Paragraph (c) already existed and contained OSM’s decision regarding State Program Amendment MT–042–FOR (Docket No. OSM–2023–0007). *See* 90 FR 3673, 3687 (January 15, 2025).

OSM is now correcting 30 CFR 926.12 by changing the designation of paragraph (c) to paragraph (d) to contain the entry that OSM published in the August 21, 2026, **Federal Register** (91 FR 54218).

Correction

In FR Doc 2026–17055, which published August 21, 2026, at 91 FR 54218, on page 54223 in the second column correct amendatory instruction 2 and accompanying regulatory text to read as follows:

■ 2. Amend § 926.12 by adding paragraph (d) to read as follows:

§ 926.12 State program provisions and amendments not approved.

* * * * *

(d) The following portions of the program amendment by letter dated February 16, 2023, Administrative Record No. MT–041–01, which proposed changes to the Montana approved program as a result of the Montana Legislature’s 2023 passage of a Senate Bill (SB 328) are not approved:

(1) Montana’s proposed definition of “affected drainage basin” in MCA § 82–4–203(3).

(2) Montana’s proposed definition recodifications in the MCA § 82–4–203(4)(a)—Alluvial Valley Floor, MCA § 82–4–203(5)—Approximate Original Contour, MCA § 82–4–203(6)—Aquifer, MCA § 82–4–203(7)—Area of Land Affected, MCA § 82–4–203(8)—Bench, MCA § 82–4–203(9)—Board, MCA § 82–4–203(10)—Coal Conservation Plan, MCA § 82–4–203(11)—Coal Preparation, MCA § 82–4–203(12)—Coal Preparation Plant, MCA § 82–4–203(13)—Contour Strip Mining, MCA § 82–4–203(14)—Cropland, MCA § 82–4–203(15)—Degree, MCA § 82–4–203(16)—Department, MCA § 82–4–203(17)—Developed Water Resources, MCA § 82–4–203(18)—Ephemeral Drainageway, MCA § 82–4–203(19)—Failure to Conserve Coal, MCA § 82–4–203(20)—Fill Bench, MCA § 82–4–203(21)—Fish and Wildlife Habitat, MCA § 82–4–