

*Estimated Three-Year Average
Aggregate Annual Burden:*

Approximately 363 hours on average,
per year.⁶¹

*Estimated Three-Year Average
Aggregate Annual Cost:* Approximately
USD 46,111.89.⁶²

General Request for Comments:

Comments are invited on: (1) whether the proposed collection of information found in section 1010.667(b)(4) is necessary for the proper performance of the mission of FinCEN, including whether the information would have practical utility; (2) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information required to be maintained; (4) ways to minimize the burden of the required collection of information, including through the use of automated collection techniques or other forms of information technology; and (5) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to report the information.

XI. Regulatory Text

List of Subjects in 31 CFR Part 1010

Administrative practice and procedure, Banks, Banking, Brokers, Crime, Foreign banking, Terrorism.

Authority and Issuance

For the reasons set forth in the preamble, FinCEN proposes amending 31 CFR part 1010 as follows:

PART 1010—GENERAL PROVISIONS

■ 1. The authority citation for part 1010 continues to read as follows:

Authority: 12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316–5336; title III, sec. 314, Pub. L. 107–56, 115 Stat. 307; sec. 2006, Pub. L. 114–41, 129 Stat. 458–459; sec. 701 Pub. L. 114–74, 129 Stat. 599; sec. 6403, Pub. L. 116–283, 134 Stat. 3388.

■ 2. Add 1010.667 to read as follows:

1010.667 Special measures regarding Banque Misr UAE

(a) *Definitions.* For purposes of this section, the following terms have the following meanings.

(1) *Banque Misr UAE.* The term “Banque Misr UAE” means all five branches of Banque Misr located in the United Arab Emirates as well as any

other offices, branches, affiliates, or subsidiaries of Banque Misr located in the United Arab Emirates. Egypt-based Banque Misr, and its offices, branches, affiliates, and operations in countries other than the United Arab Emirates are expressly excluded from the definition of “Banque Misr UAE”.

(2) *Correspondent account.* The term “correspondent account” has the same meaning as provided in 1010.605(c)(1)(ii).

(3) *Covered financial institution.* The term “covered financial institution” has the same meaning as provided in 1010.605(e)(1).

(4) *Financial institution operating outside of the United States.* The term “financial institution operating outside of the United States” means any business or agency operating, in whole or in part, outside of the United States that engages in any activity which is similar to, related to, or a substitute for any activity in which any financial institution, as defined in 31 U.S.C. 5312(a)(2), engages.

(5) *Foreign banking institution.* The term “foreign banking institution” means a bank organized under foreign law, or an agency, branch, or office located outside the United States of a bank. The term does not include an agent, agency, branch, or office within the United States of a bank organized under foreign law.

(6) *Subsidiary.* The term “subsidiary” means a company of which more than 50 percent of the voting stock or an otherwise controlling interest is owned by another company.

(b) *Prohibition on accounts and due diligence requirements for covered financial institutions.*

(1) *Prohibition on opening or maintaining correspondent accounts for Banque Misr UAE.* A covered financial institution shall not open or maintain in the United States a correspondent account for, or on behalf of, Banque Misr UAE.

(2) *Prohibition on processing transactions involving Banque Misr UAE.* A covered financial institution shall take reasonable steps not to process a transaction for the correspondent account in the United States of a foreign banking institution if such a transaction involves Banque Misr UAE.

(3) *Special due diligence of correspondent accounts to prohibit transactions.*

(i) A covered financial institution shall apply special due diligence to its foreign correspondent accounts that is reasonably designed to guard against their use to process transactions involving Banque Misr UAE. At a

minimum, that special due diligence must include:

(A) Notifying those foreign correspondent account holders that the covered financial institution knows or has reason to believe provide services to Banque Misr UAE that such correspondents may not provide Banque Misr UAE with access to the correspondent account maintained at the covered financial institution; and

(B) Taking reasonable steps to identify any use of its foreign correspondent accounts by Banque Misr UAE, to the extent that such use can be determined from transactional records maintained in the covered financial institution's normal course of business.

(ii) A covered financial institution shall take a risk-based approach when deciding what, if any, other due diligence measures it reasonably must adopt to guard against the use of its foreign correspondent accounts to process transactions involving Banque Misr UAE.

(iii) A covered financial institution that knows or has reason to believe that a foreign bank's correspondent account has been or is being used to process transactions involving Banque Misr UAE shall take all appropriate steps to further investigate and prevent such access, including the notification of its correspondent account holder under paragraph (b)(3)(i)(A) of this section and, where necessary, termination of the correspondent account.

(4) *Recordkeeping and reporting.*

(i) A covered financial institution is required to document its compliance with the notification requirement set forth in this section.

(ii) Nothing in paragraph (b) of this section shall require a covered financial institution to report any information not otherwise required to be reported by law or regulation.

Dated: August 28, 2026.

Jimmy L. Kirby,

*Deputy Director, Financial Crimes
Enforcement Network.*

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DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 4

[NPS–WASO–DTS#NPS0042897;
PPMPRL1Y.Y00000. 255P103601]

RIN 1024–AE97

Bicycle Use in Park Areas

AGENCY: National Park Service, Interior.

⁶¹ This estimate is the average of 1,024 expected burden hours in year one of implementation and 32 hours in years two and three, respectively, rounded to the nearest whole hour.

⁶² An average annual burden over years one through three of 363 hours multiplied by USD 127.03 per hour equals an average annual cost of USD 46,111.89.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) proposes to modify the procedural requirements in existing NPS regulations for the designation of roads and trails for bicycle use within park areas. The changes would align NPS regulations with applicable Federal law and policy, remove unnecessary requirements, and ensure public involvement when needed. The changes in this rule would allow the NPS to manage its resources and allocate taxpayer funds more efficiently and streamline the approval of new and expanded opportunities for use and enjoyment of park areas by the American public.

DATES: Comments on the proposed rule must be received by 11:59 p.m. ET on November 2, 2026.

ADDRESSES: *Written comments:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter 1024-AE97, the RIN for this rulemaking. On the resulting page, select the Dockets tab and then click on the title of the rule. Next, click the “Open for Comments” box, then click the blue “Comment” box and follow the instructions for submitting comments.

(2) *By hard copy:* Mail to: National Park Service Division of Regulations, 7206 National Seashore Lane, Berlin, MD 21811.

Instructions: Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words “National Park Service” or “NPS” and must include the docket number or RIN (1024-AE97) for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to view the proposed rule and comments received, go to <https://www.regulations.gov> and search for “1024-AE97.” Be sure to check the Dockets Tab, Documents Tab, and Comment Tab for possible results.

FOR FURTHER INFORMATION CONTACT: Megan Apgar, Regulations Program Specialist, National Park Service; (908) 766-6841; waso_regulations@nps.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered

within their country to make international calls to the point-of-contact in the United States. In compliance with the Providing Accountability Through Transparency Act of 2023, the plain language summary of the proposal is available on <https://www.regulations.gov> in the docket for this rulemaking.

SUPPLEMENTARY INFORMATION:**Bicycle Use in Park Areas**

The NPS is responsible for administering the National Park System of more than 400 areas and sites that preserve America’s natural and cultural heritage for the enjoyment of this and future generations. These areas and sites include national parks, national lakeshores, national seashores, national parkways, national battlefields, national monuments, national preserves, national historical parks, national memorials, and national recreation areas. Millions of people visit the National Park System each year, many of whom seek opportunities for recreation, access to points of interest, and connection to and from gateway communities.

Bicycling is a common and popular form of access and recreation in park areas, providing riders of all skill levels and ages a fun and engaging way to experience their natural and cultural heritage. Socioeconomic monitoring data indicates that bicycling is the most popular form of active recreation within the National Park System after hiking and walking.¹ Bicycling offers visitors another option for access and recreation in park areas with the added benefits to health and wellness that come from physical activity. This includes use of traditional bicycles and electric bicycles (e-bikes). E-bikes reduce the physical demands of operating a bicycle and therefore expand opportunities for recreation and access, particularly for those with limitations stemming from age, illness, disability or fitness, and in more challenging environments, such as high altitudes or hilly terrain. Bicycling in any form helps relieve vehicle congestion on roads and in parking areas. It also can mitigate some of the negative impacts motor vehicles have on resources, such as air, light, and noise pollution, collisions and other disturbances to wildlife, and wear on aging infrastructure. Improvements to facilities, such as new or modified bicycle trails, and related opportunities

for riding can support economies in gateway communities by attracting visitors and supporting local businesses such as bicycle shops, sports stores, and restaurants.

Policy and Regulatory Framework

On February 19, 2025, President Trump signed Executive Order 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative.” This Executive Order directs Agency heads to identify regulations that are based on anything other than the best reading of the underlying statutory authority or prohibition. On July 3, 2025, President Trump signed Executive Order 14314, “Making America Beautiful Again by Improving Our National Parks.” This Executive Order directs the Secretary of the Interior to review all of the Department’s recreation access rules and take steps to rescind any that unnecessarily restrict recreation in national parks.

NPS regulations in 36 CFR 4.30 establish procedural requirements for designating trails for bicycle use in park areas. These regulations require the NPS to prepare an environmental assessment (EA) or an environmental impact statement (EIS) that evaluates the potential impacts of various actions, whether or not an EA or EIS would be required by the National Environmental Policy Act (NEPA). 42 U.S.C. 4321 *et seq.* Such actions that require an EA or EIS in every case include designation of existing trails that do not require any construction or significant modification to accommodate bicycle use, development of new trails, trail construction activities (such as clearing brush, cutting trees, excavation, or surface treatment), and the authorization of new trails for bicycle use. The regulations require the NPS to provide the public with at least 30 days to review and comment on an EA, if prepared. These requirements conflict with Federal law and policy for the reasons given below.

Categorical exclusions are classes of actions that a Federal agency has determined do not have a significant effect on the human environment and therefore do not need to be evaluated in an EA or EIS. Categorical exclusions are a valid compliance pathway under NEPA and apply to a substantial number and type of Federal actions. Existing NPS bicycle regulations, however, do not allow the NPS to use categorical exclusions for the actions identified in the regulations even if doing so would be appropriate under NEPA. For example, the NPS recently

¹ See 2024 Socioeconomic Research of National Park Service Visitors: Report on 2024 Data Collection (NPS Datastore—2024 Socioeconomic Research of National Park Service Visitors: Report on 2024 Data Collection, last visited May 21, 2026).

adopted a categorical exclusion from the Federal Highway Administration that covers “construction of bicycle and pedestrian lands, paths, and facilities.”² The NPS cannot use this categorical exclusion, however, for the construction of new bicycle trails because of the regulatory requirement to prepare an EA or EIS. In general, the NPS is forced to conduct levels of review with resulting delays that may not be justified by the scope and potential environmental effects of the actions under consideration.³ Delays can complicate coordination with the development and construction of larger trail networks outside of a System unit that will connect to park trails, which increases access to and from gateway communities.⁴ The NPS must use administrative resources preparing EAs or EISs when those documents may not otherwise be required by Federal law. This is unnecessary and results in an opportunity cost for the American taxpayer because the NPS cannot use such resources, including, for example, staff time and contractor fees, to accomplish other management actions that benefit the public, such as improving facilities that provide essential visitor services.

The requirement to provide at least 30 days of public comment on an EA conflicts with Departmental policy set forth in 516 DM 1—U.S. Department of the Interior Handbook of NEPA Implementing Procedures (the Handbook). Appendix 1, Section 1 of the Handbook states that NEPA does not require public involvement when a bureau prepares an EA. The Responsible Official has discretion to determine whether to involve the public, when to involve the public, and what kind of public involvement is most appropriate. The Handbook states that public comment periods, if offered, should generally not be more than 30 days. The regulatory requirement to provide the public with at least 30 days to comment

on an EA conflicts with the Handbook’s policy providing the superintendent with discretion to determine whether public involvement is appropriate, and with its policy on the duration of any comment periods that are offered.

In brief, existing NPS regulations prevent the NPS from using categorical exclusions under NEPA and mandate public involvement in EA preparation that is not required by NEPA and conflicts with Departmental policy. Accordingly, these regulatory requirements are not based on the best reading of NEPA—both on its face and as implemented by Departmental policy—and should be rescinded consistent with the direction in E.O. 14219.

In addition to the requirements discussed above, the NPS believes that other requirements in the existing regulations are unnecessary and should be rescinded for the reasons given below.

Before the NPS takes any of the actions that require an EA or EIS, it also must prepare a park planning document that addresses bicycle use on the existing or new trail under consideration. This planning document must evaluate (1) the suitability of the trail surface and soil conditions for accommodating bicycle use, including any maintenance, minor rehabilitation or armoring that is necessary to upgrade the trail to sustainable condition; (2) life cycle maintenance costs; (3) safety considerations; (4) methods to prevent or minimize user conflict; (5) methods to protect natural and cultural resources and mitigate impacts; and (6) integration with commercial services and alternative transportation systems (if applicable). These requirements are inconsistent with the NPS’s established framework for planning and are redundant with compliance actions required by NEPA.

The NPS planning framework is designed to be flexible and give superintendents discretion to determine how to meet legal and policy planning requirements, including what types of plans are necessary, when they should be prepared, and what should be evaluated. This design allows superintendents to allocate administrative resources efficiently. Requiring the superintendent to prepare a planning document before taking any of the actions listed in the regulations and then to evaluate the same items in the planning document regardless of the scope and magnitude of the proposed action requires the NPS to expend administrative resources in manner that may not create commensurate value for the American public. For example,

superintendents and regional offices may be required to assign personnel and spend time and funds preparing a park planning document before allowing bicycles on an existing paved trail of minimal length that would require no modification or construction to accommodate bicycles, such as a 20-foot paved path connecting a parking lot with a visitor center. The only way to save the administrative resources that would be used on a planning document for other management actions is to take no action regarding bicycle use on the trail. The result is that the public is denied a new opportunity for recreation and access that would otherwise be allowed as an appropriate use of the park area. The NPS believes that superintendents and regional offices should have discretion to prepare planning documents when necessary given the scope and potential effects of the proposed action.

To the extent that a proposed action warrants evaluation of the items listed in the existing regulations, such as construction of multi-use trail network in a backcountry area, it is likely the NPS would prepare an EA or EIS and evaluate those items through the NEPA compliance process.⁵ This would be consistent with Departmental policy. Appendix 1, Section 4 of the Handbook states that the description of alternatives in an EA or EIS may include a description of project maintenance, estimated costs, and modifications of existing facilities. Part 1, Section 1.2 of the Handbook states that effects on public health and safety should be considered in evaluating the degree of effects of a proposed action or alternatives, and so too should economic effects and effects on the quality of life of the American people, which could include how an action would integrate with commercial services and alternative transportation systems. Part 6, Section 6.1 of the Handbook defines effects or impacts to include ecological effects (such as effects on natural resources) and cultural and economic effects. Part 1, Section 1.3 of the Handbook states that NEPA requires agencies to consider reasonable mitigation measures. Accordingly, compliance with NEPA likely will result in the evaluation of the

² See 90 FR 24645 adopting the categorical exclusion on June 11, 2025; and DOI NEPA Handbook (February 2026), Appendix 2, Section 16.1.G(4).

³ The NPS acknowledged this in 2012 when it published the final rule for the existing regulations by stating that “[w]hen trails are sustainably located, designed, and constructed, impacts [from bicycle use] are normally insignificant.” 77 FR 39931 (July 6, 2012). The final rule went on to say that categorical exclusions are precluded because “there may be cases where impacts are significant, including soil erosion, safety, and conflicts with other users.” *Id.* If impacts may be significant, however, the NPS would be required to prepare an EA or EIS anyway under NEPA.

⁴ For example, the Marquette River Greenway will run through Indiana Dunes National Park. For more information, see <https://www.in.gov/nirpc/transportation/the-marquette-greenway-project-site/> (last visited March 23, 2026).

⁵ The NPS acknowledged this in 2012 when it published the final rule for the existing regulations by stating that “[m]ost NEPA requirements are compatible with or identical to requirements for sound management planning.” 77 FR 29928 (July 6, 2012). The final rule commends the potential efficiency of using one document to satisfy the requirements to prepare a park planning document and an EA or EIS, but neither of those requirements need to be in the regulations in the first place.

items listed in the regulations, but only when the potential effects of the proposed action on the human environment justify doing so pursuant to Federal law and policy.

The existing regulations also require the NPS to develop and construct new trails in accordance with NPS sustainable trail design principles and guidelines. The final rule published in 2012 that established this requirement discusses the importance of sustainable trails in backcountry areas. 77 FR 39929 (July 6, 2012). This discussion identifies potential impacts to resources from backcountry trail use and offers recommendations for mitigating those impacts by ensuring that trails are sustainable. The discussion cites to several laws, policies, and reference materials, some of which are now many years old and no longer accessible at the source website in the rule.⁶ This type of information may be useful to superintendents, project managers, and others involved in trail design and development, but requiring that superintendents adhere to ambiguous “design principles and guidelines” in regulatory text offers little direction or benefit to the American public. This requirement has even less meaning when superintendents consider bicycle use on trails in frontcountry areas, which the NPS did not address in the trail sustainability discussion in 2012. This omission was understandable because the types of impacts that might occur from the use of unsustainable trails in primitive, undeveloped areas, such as compaction and erosion of trail tread materials, in most cases are not possible from the use of trails in developed areas, many of which are paved. The NPS maintains established processes for design and construction of various types of facilities and infrastructure across the National Park System, including trails of all types.⁷ These processes are subject to their own policies, compliance requirements and technical standards. Because these processes are managed under separate NPS authorities and procedures, decisions about physical design and construction are not part of this rule. The primary purpose of NPS regulations

is to manage visitor use of park areas.⁸ It follows that NPS regulations for bicycle use should focus on visitor use of trails, not the design or construction of them before they are designated.

In addition to the requirements to prepare an EA or EIS, and the requirement to prepare a park planning document, the existing regulations also require the superintendent to prepare a written determination that applies another set of criteria for evaluating the effects of bicycle use on trails and administrative roads. Administrative roads are open to motor vehicle use by the NPS for administrative purposes but not open to motor vehicle use by the public. Superintendents must determine that bicycle use is consistent with protection of the park area’s natural, scenic and aesthetic values, safety considerations and management objectives, and will not disturb wildlife or park resources. Regional directors must concur with written determinations for bicycle use on trails. Written determinations for existing trails and for new trails within developed areas must be published in the **Federal Register** for 30 days of public comment. The items that must be evaluated in the written determination are confusingly similar to, but not the same, as the items that must be evaluated in the park planning document. For this reason, the justifications explained above for rescinding the park planning document requirements also support rescinding the written determination requirements. Requiring superintendents to prepare a written determination in every case, even for decisions to allow bicycles on administrative roads and trails that would result in minor or negligible impacts to resources or visitors, forces the NPS to dedicate administrative time and cost that could be put to better uses. The administrative burden is even worse for proposals to allow bicycle use on existing trails and on new trails in developed areas, which require publication of the written determination in the **Federal Register**, consideration of public comments, and concurrence by the regional director, no matter the scope or magnitude of the potential effects of the action. In addition, relying on the regulatory definition of “developed area” can create additional illogical outcomes, because some areas may be developed in the ordinary sense of the word but not within a designated development or historic zone on a land

management and use map.⁹ In such areas any new trail, no matter the scope or magnitude of its impacts, will require a special regulation.¹⁰ Similar to the items that must be evaluated in a park planning document, the items that must be evaluated in a written determination likely would be evaluated in an EA or EIS if preparation of those documents is required under NEPA given the scope and potential effects of the action.

A final requirement in the regulations prevents the NPS from allowing bicycle use on existing trails if the Finding of No Significant Impact or Record of Decision that follows the preparation of an EA or EIS concludes that such action may have a significant impact on the environment. It is not clear why this requirement applies to existing trails but not to new trails. The distinction between an existing and a new trail ceases after the new trail is built, at which point the potential impacts of allowing bicycle use on the trail can be the same. Another problem is that this requirement establishes a substantive standard for allowable impacts that is different from the non-impairment standard in the NPS Organic Act and the standard in NPS Management Policies that prevents the NPS from allowing unacceptable impacts from visitor use. See 54 U.S.C. 100101 and NPS Management Policies 2006, Section 1.4.7.1. There is no basis for applying a standard for impacts from bicycle use that is different from the standards that apply to impacts from other visitor activities. Superintendents should follow established NPS policy about appropriate use of park areas when making decisions about bicycle use. Additional confusion may arise because the significance standard used in the regulations refers to specific determinations made in the NEPA compliance process, but the regulations use this standard as a substantive limitation on decision-making, while NEPA purposefully does not. NEPA is a procedural statute requiring Federal agencies to evaluate the environmental impacts of proposed actions, but does not mandate specific outcomes or limit agency decision-making.¹¹

⁹ NPS regulations at 36 CFR 1.4 define “developed area” as roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands *located within development and historic zones depicted on the park area land management and use map*. Emphasis added.

¹⁰ NPS regulations at 36 CFR 4.30(e)(2) require promulgation of a special regulation prior to developing, constructing, or authorizing new trails outside of developed areas for bicycle use.

¹¹ See *Seven County Infrastructure Coalition v. Eagle County*, 605 U.S. 168, 169 (2025) (“Otherwise stated, NPS ‘does not mandate particular results, but simply prescribes the necessary process’ for an

⁶ The final rule cites to a 1991 document titled “Developing Sustainable Mountain Trail Corridors: An Overview, National Park Service” and another document titled “Guide to Sustainable Mountain Trails” that was published by the NPS in partnership with the Colorado Outdoor Training Initiative in 2007.

⁷ See information about the NPS Park Planning, Facilities, and Lands Directorate on <https://www.nps.gov/orgs/1640/index.htm> (last visited March 9, 2026).

⁸ See 36 CFR 1.2(d) stating that NPS regulations do not apply to administrative activities conducted by the NPS or its agents.

None of the procedural requirements that would be rescinded by this rule exist in general regulations that address other types of visitor recreation and access in park areas.¹² These include regulations for designating lands and waters for operating or using aircraft (36 CFR 2.17), routes and water surfaces for the use of snowmobiles (36 CFR 2.18), areas for using human-powered coasting devices such as roller skates, skateboards, and scooters (36 CFR 2.20), waters for the use of personal watercraft (PWC) (36 CFR 3.9), routes and areas for off-road vehicle (ORV) use (36 CFR 4.10), and locations for the operation of powered micromobility devices, such as e-scooters (36 CFR 4.32). None of them address the design, development, or construction of routes, trails, paths, traffic barriers, or other physical assets that are used for the visitor activities and uses described. Some of these regulations address devices similar to traditional bicycles, such as the regulations for human-powered coasting devices, and similar to e-bikes, such as the regulations for powered micromobility devices. Others manage devices such as aircraft, snowmobiles, PWCs, and ORVs that have the potential to impact resources and visitors well beyond what is possible from bicycles and e-bikes due to their weight, speed of operation, use of internal combustion engines, and other characteristics of use. Some of these regulations require notice and comment rulemaking to ensure there is public involvement before certain uses are allowed. Notice and comment rulemaking is required to designate any location for the use of aircraft, snowmobiles, PWC, and ORVs. These requirements are justified because these types of activities have greater potential for impacts no matter the location. Rulemaking is required before allowing powered micromobility devices in locations that have never been improved by artificial or processed materials such as paving or gravel. This requirement is justified because the use of powered micromobility devices in these locations has potential for greater impacts than use in other locations, such as paved pathways.

In summary, the NPS believes that the requirements in 36 CFR 4.30 discussed above unnecessarily restrict recreation

and access by making it more difficult than needed to authorize administrative roads and trails for bicycle use. Therefore they should be rescinded consistent with the direction in Executive Order 14314. This proposed rule would allow the NPS to manage its resources and allocate taxpayer funds more efficiently and streamline the approval of new and expanded opportunities for use and enjoyment of park areas by the American public. Key elements of the proposed rule are discussed below.

Proposed Rule

Identifying new opportunities for responsible outdoor recreation in park areas is a priority for the Trump Administration and the NPS. This includes identifying new and expanded opportunities for bicycle use where appropriate. The proposed rule would simplify how the NPS allows bicycle and e-bike use in park areas for the benefit of the American public. Bicycles and e-bikes would be allowed on park roads and in parking areas that are otherwise open for motor vehicle use by the general public. This would not change the status quo for traditional bicycles, but it would for e-bikes by removing the need for superintendents to take affirmative action to allow them in those locations by designation. Setting the same baseline for the use of all forms of bicycles on roads and in parking areas would simplify administration and make the regulations easier to understand. The superintendent would have authority to designate other locations, including administrative roads and trails, for bicycle and e-bike use except that rulemaking in the **Federal Register** would be required to allow bicycles or e-bikes in two circumstances. First, rulemaking would be required if the designation would be highly controversial or otherwise significant according to the criteria in paragraph (b) of 36 CFR 1.5.¹³ Second, rulemaking would be required before bicycles or e-bikes are allowed in locations that have never been improved by artificial or processed materials. Artificial or processed materials include gravel, asphalt, concrete, wood boards, soil cement, and resin-based material. Rulemaking would not be required for locations with surfaces composed of

these materials at present, nor for locations that have a natural surface at present but in the past were altered or improved by artificial or processed materials, such as trails located on top of old rail lines. The purpose of the rulemaking requirements in this rule is to ensure public involvement in decision-making that has more potential for impacts to park resources, values, and visitors, or when stakeholders such as gateway communities have strong viewpoints about potential designations. Related to trail characteristics, the NPS seeks specific comment from the public about criteria that could be used to determine whether rulemaking is required. An example is whether rulemaking should not be required to designate certain locations that have never been improved by artificial or processed materials but that have other characteristics that might lessen the potential for impacts, such as public beaches.

The proposed rule would maintain several provisions in the existing regulations that do not need revision. The definitions of “bicycle” and “electric bicycle” in 36 CFR 1.4 would remain the same. So would the existing prohibition on possessing a bicycle or e-bike in a wilderness area established by Federal statute and other restrictions on the operation of a bicycle or e-bike that promote visitor safety.¹⁴ The rule would maintain an existing prohibition on using the electric motor to exclusively propel an e-bike for an extended period of time, except where use of motor vehicles is allowed. This only affects Class-2 e-bikes and helps ensure that they are used for access and recreation in a similar manner to traditional bicycles. The rule would continue to apply state law to the use of bicycles and e-bikes except as provided in NPS regulations. Finally, the rule would maintain the authority given to superintendents to establish bicycle or e-bike use limitations, restrictions, conditions, and closures after consideration of public health and safety, resource protection, and other management activities and objectives. This rule would add a new provision, however, clarifying that permanent closures of park roads and parking areas that are otherwise open for motor vehicle use by the general public, or of administrative roads, trails, and other

agency’s environmental review of a project.” (quoting *Roberston v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989)).

¹² NPS regulations that govern the gathering of plants or plant parts by federally recognized Indian tribes require the preparation of an EA. 36 CFR 2.6(d)(2). The NPS does not consider this activity to be visitor recreation or access due to the special relationship between the NPS and federally-recognized Indian tribes, which are sovereign governments.

¹³ Rulemaking is required for an action “which is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park’s natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit” 36 CFR 1.5(b).

¹⁴ For example, 36 CFR 4.30(h)(5) prohibits operating a bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage, and is applied to e-bikes in 36 CFR 4.30(i)(5). As another example, 36 CFR 4.12 requires compliance with the directions of a traffic control device. It is applied to bicycles in 36 CFR 4.30(g)(1) and to e-bikes in 36 CFR 4.30(i)(5).

locations that are designated by rulemaking, must be promulgated as special regulations for the applicable System unit. The only exception would be for closures of park roads and parking areas that exist under state law. This exception would be compatible with the NPS's general adoption of state traffic laws in 36 CFR 4.2.

Compliance With Other Laws, Executive Orders and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 14192)

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is an E.O. 14192 deregulatory action. The NPS expects this rule would result in net economic benefits due to reduced administrative costs. Administrative costs associated with the requirements in the existing regulations to prepare a planning document, an EA or EIS, and a written determination would be eliminated in situations where such actions are not warranted.

Regulatory Flexibility Act

This proposed rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). No small entities would be directly regulated by this rule, which would modify existing NPS regulations to simplify how the NPS allows traditional and electric bicycle use in park areas. The proposed changes would remove unnecessary requirements, reduce regulatory burden, and allow the NPS to streamline the approval of new and expanded opportunities for use and enjoyment of park areas by the American public. While the changes in this rule are procedural in nature, they could result in a small increase in recreational visitation, thereby benefitting nearby small businesses through increased visitor spending. This proposed rule would not generate new costs for small businesses, organizations, or governmental jurisdictions, nor would it impose fees, operational requirements, training, recordkeeping, or other compliance burdens on small businesses or organizations. It is not expected to have adverse economic effects on any sector, including small entities. For these reasons, the NPS certifies that this rule will not have a significant economic impact on a substantial number of small entities; therefore, a regulatory flexibility analysis is not required.

Congressional Review Act

This proposed rule is not a major rule under 5 U.S.C. 804(2). This proposed rule:

- (a) Would not have an annual effect on the economy of \$100 million or more.
- (b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

This proposed rule would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. This proposed rule would not have a significant or unique effect on State, local or Tribal governments, or the private sector. It addresses public use of national park lands and imposes no requirements on other agencies or governments. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

This proposed rule would not effect a taking of private property or otherwise have takings implications under E.O. 12630. A takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in section 1 of E.O. 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule would only affect use of federally administered lands. It would have no direct effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (E.O. 12988)

This proposed rule complies with the requirements of E.O. 12988. This proposed rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (E.O. 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The NPS has evaluated this proposed rule under the criteria in E.O. 13175 and under the Department's Tribal consultation policy and has determined that Tribal consultation is not required because this rule will have no substantial direct effect on federally recognized Indian Tribes and that consultation under the Department's tribal consultation policy is not required.

*Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)*

This rule contains no new information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The NPS may not conduct or sponsor, and you are not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number.

*National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*)*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 (NEPA) is not required because the rule is covered by categorical exclusions. This rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA. The NPS has determined the change in the rule that would allow e-bikes on park roads and parking areas that are otherwise open for motor vehicle use by the general public, without the need for superintendents to take affirmative action to allow them in those locations by designation, is categorically excluded under Appendix 2, Section 12.5.D(4) of the Handbook, which covers minor changes in programs and regulations pertaining to visitor activities. The NPS has determined that all other changes in this rule are categorically excluded under 43 CFR 46.210(i), which covers minor policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to

lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case. The NPS will document the application of these categorical exclusions to this rule.

Effects on the Energy Supply (E.O. 13211)

This proposed rule is not a significant energy action under the definition in E.O. 13211; this proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and this proposed rule has not otherwise been designated by the Administrator of OIRA as a significant energy action. A Statement of Energy Effects is not required.

List of Subjects in 36 CFR Part 4

National Parks, Traffic regulations.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 4 as set forth below:

PART 4—VEHICLES AND TRAFFIC SAFETY

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

Authority: 54 U.S.C. 100101, 100751, 320102.

■ 2. Revise and republish § 4.30 as follows:

§ 4.30 Bicycles.

(a) *Park roads and parking areas.* The use of bicycles and electric bicycles is allowed on park roads and in parking areas that are otherwise open for motor vehicle use by the general public.

(b) *Other locations.* The use of bicycles and electric bicycles is allowed in other locations designated by the superintendent after notice is provided using one or more of the methods described in § 1.7 of this chapter.

Locations must be designated by rulemaking in the **Federal Register** when the designation would meet the criteria in paragraph (b) of § 1.5 of this chapter. Rulemaking in the **Federal Register** also is required before bicycles or electric bicycles are allowed in locations that have never been improved by artificial or processed materials. Artificial or processed materials include, but are not limited to, gravel, asphalt, concrete, steel rail lines, wood boards, soil cement, and resin-based material.

(c) *Closures and other use restrictions.*

(1) A superintendent may limit or restrict or impose conditions on bicycle use or electric bicycle use, or may close any park road, parking area, administrative road, trail, or other location, or a portion thereof, to bicycle or electric bicycle use, or terminate such condition, closure, limit or restriction after:

(i) Taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives; and

(ii) Notifying the public through one or more methods listed in § 1.7 of this chapter.

(2) A closure of all or a portion of a park road or parking area that is otherwise open for motor vehicle use by the general public, or all or a portion of an administrative road, trail, or other location designated by rulemaking, may not remain in effect on a permanent basis unless it is promulgated as a special regulation, except that a special regulation is not required for a closure of all or a portion of a park road or parking area that exists under state law.

(d) *Prohibited acts.* The following are prohibited:

(1) Operating a bicycle or an electric bicycle off of park roads and parking

areas in locations not designated for their use in accordance with this section.

(2) Possessing a bicycle or an electric bicycle in a wilderness area established by Federal statute.

(3) Operating a bicycle or an electric bicycle during periods of low visibility, or while traveling through a tunnel, or between sunset and sunrise, without exhibiting on the operator, bicycle, or electric bicycle a white light or reflector that is visible from a distance of at least 500 feet to the front and with a red light or reflector that is visible from at least 200 feet to the rear.

(4) Operating a bicycle or an electric bicycle abreast of another bicycle or electric bicycle except where authorized by the superintendent.

(5) Operating a bicycle or an electric bicycle while consuming an alcoholic beverage or carrying in hand an open container of an alcoholic beverage.

(6) Except where use of motor vehicles by the public is allowed, using the electric motor exclusively to move an electric bicycle for an extended period of time.

(e) *Other requirements.* (1) A person operating or possessing a bicycle or an electric bicycle is subject to the following sections of this part that also apply to the operation of a motor vehicle: §§ 4.12, 4.13, 4.20, 4.21, 4.22, and 4.23.

(2) Except as specified in this chapter, the use of a bicycle or an electric bicycle is allowed in compliance with applicable State law. Any act in violation of applicable State law is prohibited.

Kevin Lilly,

Principal Deputy, Assistant Secretary for Fish and Wildlife and Parks.

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