

of review the Board applies in appeals before it and imposes no compliance obligation on any labor organization or other small entity. Any displacement of negotiated agreements to which the commenter refers would flow, if at all, from OPM's proposed amendments, which are not finalized in this document and which OPM addresses in its separate final rule. The certification is accordingly unchanged.

D. Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with E.O. 13132, the Board certifies that this rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

E. Civil Justice Reform

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 (61 FR 4729; Feb. 7, 1996).

F. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or tribal governments in the aggregate, or on the private sector, in any 1 year of \$100 million in 1995 dollars, updated annually for inflation. That threshold is currently approximately \$206 million. This rulemaking will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.

G. Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act or CRA) (5 U.S.C. 801 *et seq.*) requires most final rules to be submitted to Congress before taking effect. The Board will submit to each House of Congress and to the Comptroller General of the United States a report regarding the issuance of this final rule before its effective date. The Office of Information and Regulatory Affairs in the Office of Management and Budget has determined that this rule is not a major

rule as defined by the CRA (5 U.S.C. 804(2)).

H. Paperwork Reduction Act

This regulatory action will not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35).

Gina K. Grippando,
Clerk of the Board.

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Government employees.

Accordingly, for the reasons stated in the preamble, the Merit Systems Protection Board amends 5 CFR part 1201 as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

Subpart B—Procedures for Appellate Cases

■ 2. Amend § 1201.56 by adding paragraph (b)(3) to read as follows:

§ 1201.56 Burden and degree of proof.

* * * * *

(b) * * *

(3) *Penalty determination.* (i) This paragraph (b)(3) applies only to appeals filed under 5 U.S.C. 7513.

(ii) The agency's choice of penalty is entitled to substantial deference. The Board will review a penalty only to determine whether it is within the tolerable limits of reasonableness in light of the charges sustained under paragraph (b)(1)(ii) of this section. This determination is based upon the totality of the circumstances relating to the efficiency of the service, on a case-by-case basis.

(iii) If the Board sustains all of the agency's charges, the Board will determine whether the penalty imposed by the agency is within the tolerable limits of reasonableness, and will not substitute its judgment for the judgment of the deciding official.

(A) If the Board makes an affirmative finding in this regard, the Board will sustain the agency's action.

(B) If the Board makes a negative finding in this regard, the Board may mitigate the agency's original penalty to the maximum reasonable penalty.

(iv) If the Board sustains fewer than all of the agency's charges, the Board may mitigate the agency's original penalty to the maximum reasonable

penalty so long as the agency did not indicate either in its final decision, or during proceedings before the Board, that it desired that a lesser penalty be imposed if the Board did not sustain all of its charges.

(A) If the agency so indicated, the Board may:

(1) Impose the lesser penalty the agency indicated it would have imposed; or

(2) If the Board cannot discern what that penalty would have been, accord the agency an opportunity to institute a lesser penalty.

(B) If the agency did not so indicate, the Board may:

(1) Mitigate the agency's original penalty to the maximum reasonable penalty; or

(2) Accord the agency an opportunity to institute a lesser penalty.

* * * * *

[FR Doc. 2026–18061 Filed 9–2–26; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2026–2476]

RIN 3150–AL71

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Flood/Wind System, Certificate of Compliance No. 1032, Amendment No. 10

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is confirming the effective date of October 6, 2026, for the direct final rule that was published in the **Federal Register** on July 23, 2026. This direct final rule amended the Holtec International HI–STORM Flood/Wind System listing within the “List of approved spent fuel storage casks” to include Amendment No. 10 to Certificate of Compliance No. 1032.

DATES: *Effective date:* The effective date of October 6, 2026, for the direct final rule published July 23, 2026 (91 FR 46243), is confirmed.

ADDRESSES: Please refer to Docket ID NRC–2026–2476 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:* Electronically at <https://www.govinfo.gov>

www.regulations.gov. Search for Docket ID NRC–2026–2476. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• **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, at 301–415–4737, or by email to PDR.Resource@nrc.gov. The revision of Certificate of Compliance No. 1032, the associated changes to the technical specifications, and the final safety evaluation report are available in ADAMS under Accession No. ML26240A234.

• **NRC’s PDR:** The 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, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Denise Edwards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7204, email: Denise.Edwards@nrc.gov and John-Chau Nguyen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0262, email: John-Chau.Nguyen@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: On July 23, 2026 (91 FR 46243), the NRC published a direct final rule amending its regulations in part 72 of title 10 of the *Code of Federal Regulations* to include Amendment No. 10 to Certificate of Compliance No. 1032. In the direct final rule, the NRC stated that if no significant adverse comments were received, the direct final rule would become effective on October 6, 2026.

The NRC received and docketed three comment submissions on the companion proposed rule (91 FR 46314; July 23, 2026). Electronic copies of the comments can be obtained from the

Federal Rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2026–2476 and are also available in ADAMS under Accession No. ML26244A087. The NRC evaluated the comments against the criteria described in the direct final rule and determined that the comments were not significant and adverse. Therefore, this direct final rule will become effective as scheduled.

Dated: September 1, 2026.

For the Nuclear Regulatory Commission.

Araceli Billoch Colon,
Chief, Rulemaking Projects Branch 2, Division of Guidance, Rulemaking, Economic Analysis, and Technical Editing Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–18107 Filed 9–2–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–8793; Project Identifier MCAI–2026–00772–T; Amendment 39–23458; AD 2026–18–03]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A318–112; Model A319–115, –132, and –133; Model A320–214, –216, –232, –233, –251N, and –271N; and Model A321–211, –213, –231, –271N, –251NX, –253NX, and –271NX airplanes. This AD was prompted by a quality escape identified in the production assembly line on the main landing gear (MLG) support rib 5 lugs, which resulted in tool mark damage in the bore of the forward and aft lugs. This AD requires repetitive detailed visual inspections (DVI) of the affected parts and applicable corrective actions. This AD also provides a one-time special detailed inspection (SDI) as a terminating action for the repetitive inspections. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective September 18, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of September 18, 2026.

The FAA must receive comments on this AD by October 19, 2026.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

• **Federal eRulemaking Portal:** Go to www.regulations.gov. Follow the instructions for submitting comments.

• **Fax:** 202–493–2251.

• **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at www.regulations.gov under Docket No. FAA–2026–8793; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

• For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email ADS@easa.europa.eu. You may find this material on the EASA website at ad.easa.europa.eu.

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at www.regulations.gov under Docket No. FAA–2026–8793.

FOR FURTHER INFORMATION CONTACT: Andrew Younglove, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3644; email: Andrew.E.Younglove@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include “Docket No. FAA–2026–8793; Project Identifier MCAI–2026–00772–T” at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider