

discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation. The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under § 106.8(c).

(b) *Specific circumstances.* (1) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under paragraph (a) of this section.

(2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

■ 25. Section 106.81 is revised to read as follows:

§ 106.81 Procedures.

The procedural provisions applicable to title VI of the Civil Rights Act of 1964 are hereby adopted and incorporated herein by reference. These procedures may be found at 34 CFR 100.6–100.11 and 34 CFR part 101. The definitions in § 106.30 do not apply to 34 CFR 100.6–100.11 and 34 CFR part 101.

[FR Doc. 2026–19929 Filed 9–28–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 70 and 71

[EPA–HQ–OAR–2016–0186; FRL–8961.2–02–OAR]

RIN 2060–AX05

Rescission of Title V Emergency Affirmative Defense Rule; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correcting amendments.

SUMMARY: On June 1, 2026, the U.S. Environmental Protection Agency (EPA) published a final rule titled “Rescission of Title V Emergency Affirmative Defense Rule.” After publication, the EPA discovered inadvertent typographical errors in the action. This document corrects the errors and ensures the regulatory text restored on June 1, 2026, matches the original regulatory text codified in Federal regulations prior to their removal following the 2023 Affirmative Defense Rule. The corrections described in this action do not affect the emergency affirmative defense provisions codified in 40 CFR parts 70 and 71 in a substantive way.

DATES: The correction is effective September 29, 2026.

FOR FURTHER INFORMATION CONTACT: For information about this final action, contact Sydney Lawrence, Permitting and Program Support Division, Office of State Air Partnerships, Environmental Protection Agency, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711; telephone number: (919) 541–4768; email address: lawrence.sydney@epa.gov.

SUPPLEMENTARY INFORMATION: The EPA is correcting the final rule, Rescission of Title V Emergency Affirmative Defense Rule, which published in the **Federal Register** on June 1, 2026 (91 FR 32357). Following publication of that document, the EPA discovered inadvertent typographical errors codified in the Agency’s operating permit program regulations at 40 CFR 70.6(g)(2) and 71.6(g)(2).

The EPA is correcting the following errors published in **Federal Register** Document Number (FR Doc.) 2026–10875 on June 1, 2026:

- At 91 FR 32360, the regulatory text in 40 CFR 70.6 “Permit content” paragraph (g)(2) “Effect of an emergency” contains the typographical error “bought my” in the first sentence. The EPA now amends the regulatory text to replace the phrase “bought my” to “brought for” and the sentence shall

read as follows, “An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met.”

- At 91 FR 32360, the regulatory text in 40 CFR 71.6 “Permit content” paragraph (g)(2) “Effect of an emergency” contains the typographical error “bought my” in the first sentence. The EPA now amends the regulatory text to replace the phrase “bought my” to “brought for” and the sentence shall read as follows, “An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met.”

For the same reasons explained in the Rescission of Title V Affirmative Defense Rule, the EPA is taking this action without providing an opportunity for prior public notice or comment because the Agency finds that the Administrative Procedure Act (APA) “good cause” exemption applies.¹ Furthermore, for the same reasons explained in the Rescission of the Title V Affirmative Defense Rule, the EPA finds that good cause exists to make this final rule effective immediately.² The EPA is correcting two erroneous uses of the phrase “bought my” to the proper phrase “brought for” in a rulemaking that carried out the mandate of the U.S. Court of Appeals for the D.C. Circuit in *SSM Litigation Group v. EPA*, 150 F.4th 593 (D.C. Cir. 2025) and restoring the text of 40 CFR 70.6(g) and 71.6(g) as these provisions existed before the EPA promulgated the 2023 Affirmative Defense Rule.³

List of Subjects

40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 71

Environmental protection, Administrative practice and procedure,

¹ 91 FR 32357, 32358.

² *Id.*

³ “Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program.” 88 FR 47029 (July 21, 2023).

Air pollution control, Reporting and recordkeeping requirements.

Aaron Szabo,

Assistant Administrator, Office of Air and Radiation.

Accordingly, 40 CFR parts 70 and 71 are corrected by making the following correcting amendments:

PART 70—STATE OPERATING PERMIT PROGRAMS

- 1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq*

- 2. In § 70.6, revise paragraph (g)(2) to read as follows:

§ 70.6 Permit content.

* * * * *

(g) * * *

(2) *Effect of an emergency.* An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met.

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PART 71—FEDERAL OPERATING PERMIT PROGRAMS

- 3. The authority citation for part 71 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq*

- 4. In § 71.6, revise paragraph (g)(2) to read as follows:

§ 71.6 Permit content.

* * * * *

(g) * * *

(2) *Effect of an emergency.* An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of paragraph (g)(3) of this section are met.

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[FR Doc. 2026-19889 Filed 9-28-26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2024-0363; FRL-13147-01-OCSPP]

Sodium Salt of Acifluorfen; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of sodium salt of acifluorfen in or on sugar beet. UPL NA, Inc. requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective September 29, 2026. Objections and requests for hearings must be received on or before November 30, 2026, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2024-0363, is available online at <https://www.regulations.gov>. Additional information about dockets generally, along with instructions for visiting the docket in person, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: RDfRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Office of the Federal Register's e-CFR site at <https://www.ecfr.gov/current/title-40>.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an

objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify the docket ID number EPA-HQ-OPP-2024-0363 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing and must be received by the Hearing Clerk on or before November 30, 2026. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

The EPA's Office of Administrative Law Judges (OALJ), in which the Hearing Clerk is housed, urges parties to file and serve documents by electronic means only, notwithstanding any other particular requirements set forth in other procedural rules governing those proceedings. See "Revised Order Urging Electronic Filing and Service," dated June 22, 2023, which can be found at <https://www.epa.gov/system/files/documents/2023-06/2023-06-22%20-%20revised%20order%20urging%20electronic%20filing%20and%20service.pdf>. Although the EPA's regulations require submission via U.S. Mail or hand delivery, the EPA intends to treat submissions filed via electronic means as properly filed submissions; therefore, the EPA believes the preference for submission via electronic means will not be prejudicial. When submitting documents to the OALJ electronically, a person should utilize the OALJ e-filing system at <https://yosemite.epa.gov/OA/EAB/EAB-ALJUpload.nsf/HomePage?ReadForm>.

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2024-0363, by one of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.