

that will have significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.⁹⁰ The SBA revised its size standard for electric utilities (effective March 17, 2023) to a standard based on the number of employees, including affiliates (from the prior standard based on megawatt hour sales).⁹¹

50. The SBA sets the threshold for what constitutes a small business. Under SBA's size standards, transmission owners all fall under the category of Electric Bulk Power Transmission and Control (NAICS code 221121), with a size threshold of 950 employees (including the entity and its associates). Based on the NERC Compliance Registry, we have selected a combination of 288 Generator Owners (GO) and Generator Operators (GOP) as applicable entities and we have determined that approximately 87% GOs and 67% GOPs of the listed entities are small entities (*i.e.*, with fewer than 950 employees).

51. According to SBA guidance, the determination of significance of impact "should be seen as relative to the size of the business, the size of the competitor's business, and the impact the regulation has on larger competitors."⁹²

52. Moreover, this final rule approves Reliability Standards that permit voluntary actions by registered entities for the purpose of accommodating virtualized environments. The Reliability Standards approved in this final rule do not mandate or require action by any registered entity other than updating compliance documentation for processes related to the approved Reliability Standards. As a result, we certify that the Reliability Standards approved in this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis is required.

VI. Document Availability

53. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the

Commission's Home Page (<http://www.ferc.gov>).

54. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

55. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

VII. Regulatory Planning and Review

56. Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The Office of Information and Regulatory Affairs (OIRA) has determined this regulatory action is not a "significant regulatory action," under section 3(f) of Executive Order 12866, as amended. Accordingly, OIRA has not reviewed this regulatory action for compliance with the analytical requirements of Executive Order 12866.

VIII. Effective Date and Congressional Notification

57. This final action is effective May 26, 2026. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, that this action is not a "major rule" as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

By the Commission.

Issued: March 19, 2026.

Carlos D. Clay,
Deputy Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA-2024-C-1085]

Listing of Color Additive Exempt From Certification; Beetroot Red; Delay of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing a delay of the effective date of our February 6, 2026, final order to amend the color additive regulations to provide for the safe use of beetroot red for the coloring of human foods generally, at levels consistent with current good manufacturing practice, except in products under the jurisdiction of the United States Department of Agriculture (USDA), infant formula, or foods for which standards of identity have been issued under section 401 of the Federal Food, Drug, and Cosmetic Act (FD&C Act), unless the use of the added color is authorized by such standards. The delay of the effective date is required by law following the filing of timely objections on the final order. This announcement does not reflect a change in our determination that there is a reasonable certainty of no harm from the use of this color additive under the conditions of its intended use. In addition, this announcement does not constitute a determination that all of the issues raised in the relevant submission constitute objections or that a hearing is justified on any objections that have been filed.

DATES: As of March 20, 2026, the effective date of the final order published February 6, 2026 (91 FR 5295) is delayed indefinitely. The Food and Drug Administration will publish a document in the **Federal Register** announcing a new effective date or other administrative action on the order.

FOR FURTHER INFORMATION CONTACT: Christopher Kampmeyer, Office of Pre-Market Additive Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-1255; or Meadow Platt, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2378.

⁹⁰ 13 CFR 121.101.

⁹¹ 13 CFR 121.201, Subsector 221 (Utilities).

⁹² U.S. Small Business Admin., *A Guide for Government Agencies How to Comply with the Regulatory Flexibility Act*, 18 (Aug. 2017), <https://advocacy.sba.gov/wp-content/uploads/2019/06/How-to-Comply-with-the-RFA.pdf>.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 6, 2026 (91 FR 5295), FDA issued a final order, *Listing of Color Additives Exempt from Certification; Beetroot Red*, to provide for the safe use of beetroot red for the coloring of human foods generally, at levels consistent with current good manufacturing practice, except in products under the jurisdiction of USDA, infant formula, or foods for which standards of identity have been issued under section 401 of the FD&C Act, unless the use of the added color is authorized by such standards. Specifically, the final order added a new § 73.39, titled “Beetroot red,” (21 CFR 73.39). We issued the final order in response to a color additive petition submitted by Phytolon, Ltd. We gave interested persons until March 9, 2026, to file objections and requests for a hearing on the final order.

We received a submission from GMO/Toxin Free USA containing objections that meet the conditions set forth in 21 CFR 12.22 to initiate a stay of the effective date of the final order. See Submission from GMO/Toxin Free USA, to the Dockets Management Staff, Food and Drug Administration, dated March 5, 2026, at pages 1–6. In addition to the objections submitted by GMO/Toxin Free USA, we received other comments that opposed the final order, but none of them appear to be an objection under 21 CFR 12.22 nor do any of them request a hearing. We plan to address the objections in a future document.

Under sections 701(e)(2) and 721(d) of the FD&C Act (21 U.S.C. 371(e)(2) and 379e(d)), within 30 days after publication of an order relating to a color additive regulation, any person adversely affected by such an order may file objections, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. The filing of the objections operates to delay the effective date of the final order until we take final action on the objections.¹ Our announcement of the delay of the effective date of the final order does not reflect a change in our determination that there is a reasonable certainty of no harm from the use of this color additive under the proposed conditions of its intended use. In addition, this notification does not constitute a determination that all of the issues raised in the submission constitute objections or that a hearing is

justified on any submissions that have been filed.

For access to the docket to read the objections received, go to <https://www.regulations.gov> and insert the docket number FDA–2024–C–1085 into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Grace R. Graham,

Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–05732 Filed 3–20–26; 4:15 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2024–C–3384]

Listing of Color Additive Exempt From Certification; Spirulina Extract; Delay of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order; delay of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing a delay of the effective date of our February 6, 2026, final order to amend the color additive regulations to provide for the expanded safe use of spirulina (*Arthrospira platensis*) extract as a color additive in human foods generally (except for infant formula, certain foods subject to regulation by the U.S. Department of Agriculture (USDA), and foods for which standards of identity have been issued under section 401 of the Federal Food, Drug, and Cosmetic Act (FD&C Act), unless the use of the added color is authorized by such standards) at levels consistent with good manufacturing practice (GMP); to lower the heavy metal specifications for lead, arsenic, and mercury; and to add a specification for cadmium. The delay of the effective date is required by law following the filing of timely objections and a request for a hearing on the final order. This announcement does not reflect a change in our determination that there is a reasonable certainty of no harm from the use of this color additive under the conditions of its intended use. In addition, this announcement does not constitute a determination that all of the issues raised in the submission constitute objections or that a hearing is justified on any objections or requests for a hearing that have been filed.

DATES: As of March 20, 2026, the effective date of the final order published February 6, 2026 (91 FR 5291) is delayed indefinitely. The Food and Drug Administration will publish a document in the **Federal Register** announcing a new effective date or other administrative action on the order.

FOR FURTHER INFORMATION CONTACT:

Marissa Santos, Office of Pre-Market Additive Safety, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–8160; or Meredith L. Kelsch, Office of Policy and International Engagement, Human Foods Program, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 6, 2026 (91 FR 5291), FDA issued a final order, *Listing of Color Additives Exempt from Certification; Spirulina Extract*, to provide for the expanded safe use of spirulina (*Arthrospira platensis*) extract as a color additive in human foods generally (except for infant formula, certain foods subject to regulation by the USDA, and foods for which standards of identity have been issued under section 401 of the FD&C Act, unless the use of the added color is authorized by such standards) at levels consistent with good manufacturing practice (GMP); to lower the heavy metal specifications for lead, arsenic, and mercury; and to add a specification for cadmium. Specifically, the final order amended § 73.530, titled “Spirulina extract,” (21 CFR 73.530). We issued the final order in response to a color additive petition submitted by GNT USA, LLC. We gave interested persons until March 9, 2026, to file objections and requests for a hearing on the final order.

Obelisk Tech Systems Inc. submitted objections and a request for a hearing. See Submission from Obelisk Tech Systems Inc., to the Dockets Management Staff, Food and Drug Administration, submitted March 7, 2026. In addition to the objections and request for a hearing submitted by Obelisk Tech Systems Inc, we received another comment that opposed the final order, but does not appear to be an objection under 21 CFR 12.22 nor does it request a hearing. We plan to address the objections and request for a hearing in a future document.

Under sections 701(e)(2) and 721(d) of the FD&C Act (21 U.S.C. 371(e)(2) and 379e(d)), within 30 days after publication of an order relating to a color additive regulation, any person adversely affected by such an order may file objections, specifying with

¹ Although the statute uses the word “stay,” this delay effectuates the same result.