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Friday, January 9, 2026

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2025–0899]

Special Local Regulations; Recurring Marine Events, Sector St. Petersburg

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce a special local regulation for the Gasparilla Invasion and Parade/Ye Mystic Krewe of Gasparilla on January 31, 2026, to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events within the Captain of the Port St. Petersburg identifies the regulated area for this event in Tampa, FL. During the enforcement periods, no person or vessel may enter, transit through, anchor in, or remain within the regulated area unless authorized by the Coast Guard Patrol Commander or a designated representative.

DATES: The regulations in 33 CFR 100.703 will be enforced for the location identified in Table 1 to § 100.703, Item 1, from 9 a.m. through 6 p.m., on January 31, 2026.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Lieutenant Ryan McNaughton, Sector St. Petersburg, Waterways Management Division, U.S. Coast Guard; telephone 813–918–7270, email: *Ryan.A.McNaughton@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulation in 33 CFR 100.703 for the Gasparilla parade regulated area identified in Table 1 to § 100.703, Item 1, from 9 a.m. through 6 p.m. on January 31, 2026. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for recurring marine events, Captain of the Port Sector St. Petersburg, Table 1 to § 100.703, Item 1, specifies the location of the regulated area for the Gasparilla parade, which encompasses portions of Hillsborough Bay, Seddon Channel, Sparkman Channel and Hillsborough River located in Tampa, FL. Under the provisions of 33 CFR 100.703(c), all persons and vessels are prohibited from entering the regulated area, except those persons and vessels participating in the event, unless they receive permission to do so from the Coast Guard Patrol Commander, or designated representative.

Under the provisions of 33 CFR 100.703, spectator vessels may safely transit outside the regulated area, but may not anchor, block, loiter in, impede the transit of festival participants or official patrol vessels or enter the regulated area without approval from the Coast Guard Patrol Commander or a designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide notice of the regulated area via Local Notice to Mariners, Marine Safety Information Bulletins, Broadcast Notice to Mariners, and on-scene designated representatives.

Courtney A. Sergent,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2026–00257 Filed 1–8–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3 and 21

[Docket No. VA–2021–VBA–0025]

RIN 2900–AP67

Apportionments

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This final rule amends Department of Veterans Affairs (VA) regulations to limit the circumstances in which benefits will be apportioned and to stop making need-based apportionments. Currently, in limited situations, VA may pay a portion of a VA beneficiary's monetary benefits directly to the beneficiary's dependent, referred to as an apportionment. To qualify, the dependent cannot reside with the beneficiary, must demonstrate financial need, and the apportionment must not cause financial hardship to the beneficiary. VA claims processors, whose expertise is in VA benefits and not in matters related to child or spousal support, decide whether to take monetary benefits from the beneficiary and reallocate the funds to dependents. VA claims processors can take this action without the consent of the beneficiary. These apportionment decisions, which can have significant financial consequences, are based on both parties' self-reported income and self-reported expenses. Unlike State courts, VA has no ability to compel evidence of income and expenses. Allegations of inadequate child or spousal support involve complex issues of family law that are best suited to the expertise and authority of State courts. VA apportionments can upset the expectations upon which a State court support award was predicated, requiring a State court to expend additional resources to revisit a prior determination. Finally, due to their intricacy, a significant amount of information is needed to adjudicate apportionment claims properly. While this information is typically available to State courts, VA must attempt to gather this information from the VA beneficiary and the beneficiary's dependent, which is unavoidably a time-consuming process. The time and effort needed to gather this information increases VA workloads and consumes resources that are better utilized to process veterans' claims. Because VA apportionment awards may conflict with the awards of better-situated State family courts, and because VA lacks the authority and expertise to make fully informed, accurate, and economically appropriate awards, VA is amending its regulations to discontinue making need-based apportionment awards. VA will continue making apportionment awards in situations when a veteran or surviving spouse is incarcerated, or when an incompetent veteran, who does not have a fiduciary, is institutionalized at government expense. VA will not discontinue any current apportionments because of this rulemaking.

DATES: This final rule is effective February 9, 2026.

FOR FURTHER INFORMATION CONTACT: Abigail Werner, Acting Chief, Part 3 Regulations Staff, Compensation Service, Veterans Benefits Administration, (202) 461–9700.

SUPPLEMENTARY INFORMATION: On October 14, 2021, VA published a proposed rule, 86 FR 57084, to amend its regulations to discontinue making apportionment awards in most circumstances. VA provided a 60-day comment period, which ended December 13, 2021. VA received comments from several individuals, organizations, and State agencies, including the Fort McClellan Veterans Stakeholders Group; Colorado Child Support Services; Oregon Child Support Program; Veterans Legal Service; Georgia Division of Child Support Services; Virginia' Division of Child Support Enforcement' Washington Division of Child Support; and Trinity Advocates. VA appreciates the time and effort expended by these commenters in reviewing the proposed rule and in submitting comments, as well as their support for this rulemaking. Those comments, which have been grouped by category, are addressed below.

Additionally, VA has made three changes to address errors found within the proposed rule. First, VA has moved the list of eligible apportionees up one paragraph level from 38 CFR 3.451(a)(1)(i) of the proposed rule to § 3.451(a)(1), and has added a clause noting that parents are not considered dependents under § 3.23(d)(1) and thus are not entitled to apportionment of pension. Second, VA has corrected two typographical errors in § 3.451(c) of the proposed rule. Third, VA has removed "or dependent parents" from § 3.454(a) of the proposed rule because parents are not entitled to apportionment of pension.

I. Section by Section Discussion of the Comments

VA received 46 comments in response to the proposed rule. VA considered all comments submitted. Our evaluation of the comments did not lead to substantial changes between the proposed rule and this final rule. In this section, we discuss in detail the public comments addressing issues raised in the proposed rule.

A. Delegation of Authority

Many commenters stated that VA cannot delegate its exclusive jurisdiction to State courts because that delegation is a violation of the Constitution and Supremacy Clause. Commenters also stated that VA's Secretary (Secretary) is not able to delegate his powers because of 38 U.S.C. 511. Finally, commenters suggested that the proposed rule would force Congress to amend 38 U.S.C. 5307 to allow the Secretary to delegate his powers to the States.

VA Response: VA is not delegating its authority to State courts. Congress has provided VA broad discretionary authority to pay apportionments out of a VA beneficiary's monetary benefits. Rather, VA has decided to no longer exercise the discretionary authority given to it by Congress in some scenarios because VA has determined that State courts are better equipped at handling child support or spousal support agreements. Unlike VA, State courts have the power to compel sworn testimony and the production of documents that can constitute evidence of income, which VA cannot do. Furthermore, rather than limiting the Secretary's ability to "delegate," section 511(a) addresses the Secretary's duty to decide issues necessary to adjudicate benefits claims that are before the Secretary for resolution and the finality of those decisions. It does not limit the Secretary's discretionary authority under section 5307 to determine whether apportionment of benefits should be considered under particular circumstances. This rule is aligned with sections 5307 and 511 because VA is not delegating its authority to State courts.

Neither the Constitution nor its Supremacy Clause is at issue here. When the Supreme Court explained in *Rose* v. *Rose* that family law ("domestic relations") is State law, it restated word for word a well-settled principle announced in the same court in 1890 and summarized again in 1997. 481 U.S. 619, 625 (1987) (quoting *In re Burrus,* 136 U.S. 586, 593–4 (1890) ("The whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the States and not to the laws of the United States.") and *Boggs* v. *Boggs,* 520 U.S. 833, 848 (1997) (same). Based, albeit in part, on this principle, the Court has established a presumption: "[b]ecause domestic relations are preeminently matters of state law," as the Court noted in *Mansell* v. *Mansell,* 490 U.S. 581, 587 (1989), "we have consistently recognized that Congress, when it passes general legislation, rarely intends to displace state authority in this area." The presumption is rebuttable, but only on a showing that the State law would do "major damage" to "clear and substantial interests" of the Federal government. *Rose,* 481 U.S. at 625. Per the Supreme Court in *Rose,* "[t]here being no 'major damage' to the federal interests underlying [section] 211(a)"—which Congress redesignated in 1991 as section 511(a)—"[that law] does not preempt exercise of state-court jurisdiction to enforce a veteran's child support," or spousal support, "obligation." 481 U.S. at 629–30.

In section 5307(a) Congress has provided that VA *may* apportion compensation and pension benefits, including dependency and indemnity compensation and rehabilitation subsistence allowances paid under 38 U.S.C. Chapter 31. This authority is at the discretion of the Secretary. In section 5313(b)(1), *Limitation on payment of compensation and dependency compensation to persons incarcerated for conviction of a felony,* Congress provided that the Secretary *may* apportion benefits. Similarly, in section 5502(d), *Payment to and supervision of fiduciaries,* and section 5503(a)(2), *Hospitalized veterans and estates of incompetent institutionalized veterans,* Congress provided that VA *may* apportion benefits. Notably, each apportionment authority in title 38 of the U.S. Code is discretionary, not mandatory, as shown by the use of the word "may" or the phrase "may be apportioned as prescribed by the Secretary." Thus, VA makes no change based on these comments.

B. Rose v. Rose, 481 U.S. 619 (1987)

A few commenters stated that the proposed rule discussed *Rose.* These commenters explained that section 511 explicitly excludes State courts from having jurisdiction. Another commenter noted that the *Rose* ruling was based upon the fact that the disabled veteran in that case was never afforded a proper VA apportionment claim review. The same commenter indicated that the Secretary cannot delegate duties awarded to VA by Congress by using *Rose* because the *Rose* case did not include an apportionment ruling. Another commenter indicated support of VA's decision by quoting supportive language from *Rose* and mentioned that State courts are already apportioning benefits so that VA no longer needs to apportion benefits.

VA Response: As the commenters correctly note, section 511(a) was signed into law four years after the *Rose* decision. However, the comments misunderstand section 511(a). Section 511(a) is a word-for-word redesignation of section 211(a), which dates to the passage of the Veterans Judicial Review Act of 1988 and which Congress contemplated in draft form as early as 1979, well before *Rose.* As noted above, Congress's intent in mandating that the

Secretary ''shall decide all questions of law and fact'' was that the Secretary has a duty to decide issues necessary to adjudicate benefits claims. To the extent VA ceases issuing a given category of apportionment decisions, there is no VA apportionment decision and therefore no potential for a conflict with an action by any other decisionmaker. Thus, section 511(a) is simply inapplicable. The question is whether VA's apportionment authority is discretionary or mandatory, not whether section 511 would authorize and preclude review of apportionment decisions to the extent the Secretary continued making them.

VA also disagrees with several of the commenters' interpretation of the *Rose* case. To clarify, the *Rose* case supports the point that veterans' disability benefits are not exempt from claims for spousal support and child support. Under the *Rose* decision, State courts may consider the availability of VA benefits in determining the amount of a veteran's child support obligation. State courts may also set a support award in an amount that would necessarily require that part of the support award be paid out of VA benefits once they are received by the veteran. In reaching that determination, the Supreme Court found that states have independent authority to establish child support obligations. The Supreme Court explained that VA disability compensation is intended to benefit both the veteran and his or her dependents. Therefore, the Court held that the States' consideration of such benefits in establishing child support awards did not contravene Federal law. Some State courts have interpreted *Rose* as carving out an exception to the prohibition of attachment of VA benefits under section 5301(a) for purposes of child support payments. Some State courts have extended the *Rose* holding to spousal support payments.

Finally, VA reiterates that it is not delegating its authority to State courts. The extent of State courts' authority is unchanged. VA has only decided to no longer exercise certain discretionary authority given by Congress because VA has identified that State courts are better suited to handle child and spousal support matters. It may be that part of commenters' confusion is in the misuse of key terms. Technically, State courts do not ''apportion'' VA benefits under section 5307 or any other provision of title 38 of the U.S. Code or title 38 of the CFR. Apportionment is a VA discretionary authority under Federal law and regulations; ''apportionment'' in this context has a precise, specialized meaning within VA law. State courts, in contrast, divide income under the authority of State law. The result of a State court's order may be in effect similar to an apportionment, but the difference matters. As noted above, the proposed rule is not in tension with section 511(a). It also does not interfere with the exercise of Congress's or the President's military powers. The Supreme Court has held time and again that veterans' benefits including disability compensation are for the veteran and the veteran's family. *See, e.g., Rose,* 481 U.S. at 630. The Supreme Court has not overturned *Rose* and Congress has not invalidated it. *Rose* remains good law.

Accordingly, VA makes no changes based on these comments.

C. State Courts

(1) State Court Attorneys Accreditation and the Best Interest for Veterans

Many commenters strongly opposed State court attorneys determining apportionments for dependents. The commenters indicated that State court attorneys are not accredited or able to equitably weigh the interests of disabled veterans. The commenters expressed that State court attorneys who determined apportionment claims would violate 38 CFR 14.629. Also, commenters mentioned that apportionment is an action that only VA is equipped and competent to make, not State court attorneys.

VA Response: Under 38 U.S.C. 5901(a) and 38 CFR 14.629(b)(1), no one may assist claimants in the preparation, presentation, and prosecution of their benefits claims before VA as an attorney unless first accredited by VA for such purpose. As the commenters correctly mentioned, all attorneys representing a claimant in any type of VA benefits claim must be accredited by VA. However, the State court attorneys that will litigate child support or spousal support cases will not need VA accreditation. This is because the State court attorneys will be representing individuals in their respective State courts, not before VA. Cases for child support or spousal support are not filed with VA. Further, VA believes that State courts should handle these issues because they have the resources to make decisions that fully weigh the impact of their decisions on the veteran and the dependents. VA notes that its decision to no longer make need-based apportionments is driven by much more than administrative convenience for the agency. The agency's focus is to address the largely outdated practice of adjudicating apportionment claims because supporting the needs of veterans' dependents is generally better performed in State courts with superior resources and enforcement capabilities. VA does not make any changes based on these comments.

(2) Disability Payments Should Not Be Considered as Income

One commenter indicated that a veteran's disability compensation is the only money received to support that veteran's children and themselves and that the State courts should not consider this in a formula as income. Another commenter stated that VA should send a letter forbidding States from using a veteran's disability payment as income when determining child or spousal support.

VA Response: Section 5301(a)(1) of title 38, U.S. Code, generally exempts VA benefits from any legal or equitable process, such as garnishment. Although section 5301(a)(1) generally prohibits garnishment of VA benefits, the Supreme Court in *Rose* held that State courts may enforce support orders against VA compensation payments. As previously noted, in *Rose,* the Supreme Court found that such consideration of benefits in establishing child support awards did not contravene Federal law. This principle has not changed. Accordingly, VA does not have authority to forbid a State from considering a veteran's disability payment as income in the spousal or child support context.

Another commenter mentioned that the States have no preexisting sovereign authority, jurisdiction, or control over the Federally appropriated monies designated by Congress for the compensation of military service members, veterans, and their dependents. *Mansell,* 490 U.S. at 589.

VA Response: Rose is distinguishable from the Supreme Court's decision in *Mansell,* which held that the Former Spouses' Protection Act precludes States from ''the power to treat as property divisible upon divorce military retirement pay waived by the retiree to receive veterans' disability benefits.'' 490 U.S. at 594–5. The Court specifically noted that it was not addressing the issue discussed in *Rose, i.e.,* whether section 5301(a) independently protects veterans' benefits from consideration in assessing child support obligations. *Mansell,* 490 U.S. at 587 n.6. Therefore, VA makes no changes based on this comment.

(3) Income Withholding and Garnishment

A commenter suggested that as an alternative to the proposed rule VA should amend Federal law to allow income withholding from VA benefits for child support obligations. Another commenter suggested VA make a change to Federal law to allow garnishment of all VA benefits for State court-ordered child support obligations.

VA Response: VA cannot make statutory changes through regulation. Only Congress can change Federal law. As an agency, VA derives authority to issue regulations from laws enacted by Congress, including the general rulemaking authority in section 501. VA cannot make any changes based on these comments.

Another commenter indicated that apportionments are necessary for some people. The commenter mentioned that, because State courts cannot garnish Federal disability money, until there is another safety net for the beneficiary, the apportionment process should remain in place as an option for dependents to receive financial support.

VA Response: VA notes that there often are several options for dependents to receive financial support. State courts can provide child/spousal support through a number of means with the ability to compel a full accounting and enforce their decisions. Further, the Supreme Court has held that, although there are restrictions on garnishing VA benefits ''while in the hands of [VA],'' they do not preclude States from enforcing child support obligations through any available means ''once these funds are delivered to the veteran.'' *Rose,* 481 U.S. at 635. The Court there stated that, as opposed to an enforcement order against an agency, ''we find no indication in the statute that a state-court order of contempt issued against *an individual* is precluded where the individual's income happens to be composed of veterans' disability benefits.'' The reach of State courts is much greater than that of VA in assessing the adequate support needed, and States have mechanisms to enforce support orders. Thus, no change is made based on this comment.

(4) VA Should Adopt a National Child Support Standard for State Courts

A commenter suggested that VA draft a national child support calculation for the States to use for parties who are veterans.

VA Response: VA notes that because child support laws are constantly evolving and are different from jurisdiction to jurisdiction within the United States, State courts are the best venues for determining fair support agreements. As noted above, the Supreme Court has made clear that ''[t]he whole subject of the domestic relations . . . belongs to the laws of the States and not to the laws of the United States.'' The phrase ''laws of the United States'' means Federal law. In addition, a veteran's support obligation could be required in another country. The courts of those jurisdictions have the specific legal expertise to make fair determinations. No change was made based on this comment.

D. VA's Decision To Stop Apportionments

Some commenters were opposed to VA's decision to discontinue making need-based apportionment awards. Specifically, those commenters indicated that VA should not take apportionments away unless it proposes an alternative method for families or that VA should still assist families with the collection of support via apportionment. Other commenters mentioned that VA is making the process more difficult for the children who need support, and the beneficiary will no longer support his or her dependents. Some commenters stated that the current process for apportionment is the fairest way to determine if courts are creating a hardship by including disability payments as income with the court's child support decisions. One commenter mentioned that the needs-based consideration should be maintained because it protects the veteran beneficiary. Other commenters believed that eliminating apportionments will prevent military families from getting child support when the beneficiary refuses to support their dependents from VA benefits. Finally, one commenter suggested that VA leave an apportionment process in place only for child support agencies.

VA Response: VA stands by its decision to stop making new need-based apportionments because, as previously noted, State courts are better equipped to deal with these matters. State attorneys have the expertise and resources to investigate and decide what is in the best interest of the veteran and the dependent. For example, VA cannot verify the accuracy of the self-reported accountings that describe the level of support needed. State courts can investigate, verify, and enforce their decisions. Thus, State courts are best suited to assist families with support collection. Additionally, VA would like to note that when the beneficiary refuses to support his or her dependents, or a State court makes a legal determination that support provided is inadequate, a State court generally can garnish wages or bank accounts. Finally, VA believes State courts are better suited to interact with child support agencies for the same reasons mentioned above. Therefore, VA makes no change based on these comments.

E. How To Terminate/End Apportionments

One commenter suggested that VA provide additional clarity regarding when apportionments terminate and how to end apportionments.

VA Response: VA will restate from the proposed rule and clarify how to terminate and end apportionments. According to 38 CFR 3.500(d), except as otherwise provided, an apportionment terminates on the date of the last payment when the reason for apportionment no longer exists. Apportionments will continue to be paid until the circumstances that provided entitlement to the apportionment no longer exist, such as the divorce of the veteran and spouse, death of the primary beneficiary, death of an apportionee, or other such circumstances that provided entitlement to the apportionment. VA does not make any change based on this comment.

F. Other Comments

Some commenters mentioned that the States will be unfair, biased, and discriminatory and that State courts will cause a financial crisis for veterans because VA will no longer be protecting VA disability compensation from being taken away from the veteran.

VA Response: Any veteran who disagrees with a State court decision on child or spousal support may appeal the decision to the appropriate State appellate court. Such veteran may seek legal services for a State court decision through the State bar. Further, VA provides a list of legal clinics available in each State for certain State court matters, including family law. That list is available at *www.va.gov/OGC/LegalServices.asp.*

A few commenters disagreed with VA's second alternative mentioned in the proposed rule. The second alternative VA considered was setting the apportionment amount equal to the additional amount the veteran receives for the apportionee as a dependent. The commenters mentioned that the second alternative is not feasible because this would create an even larger backlog for VA as well as disrupt State courts.

VA Response: In the **SUPPLEMENTARY INFORMATION** section to the proposed rule, VA mentioned three alternatives it considered while rulemaking. The first alternative was to maintain the current apportionment provisions and make no changes. The second alternative was to set the apportionment amount equal to the additional amount the veteran receives for the apportionee as a dependent. The final alternative mentioned in the proposed rule was to eliminate all apportionments.

The commenters disagreed with the second alternative mentioned. VA has decided not to use the second alternative because, as mentioned in the proposed rule, VA learned this option would cause undue hardship for the veteran. VA also learned that this option has the potential to disturb a State court's allocation of resources and potentially disadvantage a veteran or the dependents. For these reasons, VA chose not to propose this option. No change will be made based on this comment.

One commenter suggested that VA should consider the veteran's pay model of a retiree with pay when dealing with apportionments.

VA Response: It was unclear what the commenter was trying to convey regarding how VA should use the veteran's pay model of a retiree with apportionment claims. Accordingly, no change has been made.

One commenter mentioned that the information in this rulemaking about a veteran waiving a portion of his or her military retired pay to receive VA benefits was obsolete because of *Mansell.*

VA Response: VA would like to clarify. In the proposed rule, VA mentioned that under 42 U.S.C. 659, pursuant to a valid State order, a portion of a veteran's disability compensation can be withheld or garnished for spousal or child support when a veteran has waived a portion of his or her military retired pay to receive VA benefits. This is still current and has not been made obsolete by the *Mansell* case. As previously stated, the *Mansell* Court specifically noted that it was not addressing the issues in the *Rose* case on whether 38 U.S.C 5301(a) independently protects veterans' benefits from garnishment to pay child support. We hope this provides clarification because 42 U.S.C. 659 is still the governing body of law. No change was made based on this comment.

G. Supportive Comments

Many comments supported the proposed rule. One commenter mentioned that VA should not be making decisions on apportionment matters because family courts are better suited to determine the right distribution of a veteran's income for purposes of child and spousal support. This commenter further stated that VA should stop apportioning veterans' benefits. Another commenter observed that State courts are already dividing income, including veterans' income, for support of children and spouses so VA should not. The same commenter also mentioned that if VA continues apportioning benefits there will be an undue burden on VA's employees and VA's current apportionment system is unnecessary and inefficient. Another commenter mentioned being pleased with the proposed modifications to the apportionment process. The same commenter further indicated that VA leaves the matters of domestic relations to the States in every other context and that VA should let the States handle this matter too. Other commenters mentioned that only a State court judge should resolve the question of whether a veteran has a legal obligation to support a dependent under State law. One commenter supported the proposed regulation because that commenter mentioned that States give credit to child support beneficiaries for other support obligations when the beneficiary lives separately from the dependent. The same commenter mentioned that VA's current system makes obtaining this credit unnecessarily complex and unduly burdensome. Finally, one commenter mentioned support for the rulemaking but encouraged VA to collaborate with the IV–D agencies (named after subchapter IV–D of the Social Security Act) and veteran service legal aid organizations regarding the process for applying for apportionments.

VA Response: VA also believes that this rulemaking is a step in the right direction for the betterment of dependents and beneficiaries. Also, VA collaborates with many organizations and will continue to do so. To be clear, although part of the justification for discontinuing need-based apportionments is that State courts tend to be better suited to deciding matters of family law, including spousal and child support, the broader justifications apply to places outside of U.S. States in which VA has responsibility, such as the Philippines and the Freely Associated States. The reasons for VA to discontinue need-based apportionments are the same, regardless of where a claimant lives. We do not make any changes based on these comments.

H. Comments Outside of the Scope of the Proposed Rule

A commenter mentioned that the Secretary did not mention apportionments during a Veterans' Day speech the Secretary gave. VA also received a comment responding to the **Federal Register** notice published by VA on October 27, 2021, 86 FR 59449, which relates to the new VA form associated with this rule. The submission concerns an individual matter and is unrelated to this rule.

VA Response: These comments are beyond the scope of this rule. Accordingly, VA makes no changes based on these comments.

A few other commenters submitted comments providing opinions on comments submitted on the proposed rule. Specifically, a commenter noted that other comments referenced the *Howell* v. *Howell* Supreme Court decision, and expressed that these commenters were wrong to do so because the *Howell* case is not relevant.

VA Response: In *Howell* v. *Howell* (581 U.S. 214 (2017)), the Supreme Court held that States may not order a veteran to indemnify a divorced spouse to make up for the military retirement pay the veteran waived to receive VA disability compensation. The holding concerns a State court's attempt to enforce a divorce decree to restore the amount of the military retirement pay the veteran waived to get VA disability pay. In *Howell,* the Supreme Court expressly relied on the holding of *Mansell,* and, in *Mansell,* as noted above, the Court specifically noted that it was not addressing the issue discussed in *Rose, i.e.,* whether 38 U.S.C. 5301(a) independently protects veterans' benefits from consideration in assessing child (or spousal) support obligations. *Mansell,* 490 U.S. at 587 n.6. Even if *Howell* limits how States divide a veteran's pay for purposes of child or spousal support, it does so only with respect to military retirement pay, and does not undermine the rule of *Rose* that State courts may take a veteran's benefits into account when determining a veteran's child support obligation. The *Howell* court explicitly noted that the appropriate amount of support could be recalculated taking disability compensation into account under the rule of *Rose. See Howell,* 581 U.S. at 222. *Howell,* therefore, is inapplicable. Further, the comment appears to be in support of the proposed rule; it proposes no substantive changes to the rule. VA makes no change based on this comment.

Another commenter noted that there were multiple comments suggesting ''this change [is] screwing over the Veteran,'' and disagreed saying ''[i]f the VA is supposed to be an advocate for the Veteran; there should not be direct avenues for angry ex-spouses to obtain a Veteran's benefits. It's about time this change is proposed. VA employees should not be making arbitrary decisions based on their own sentiments. That is what the family courts are for. Stop apportioning Veteran's benefits.''

VA Response: VA also believes that this rulemaking is a step in the right direction for the betterment of dependents and beneficiaries. We make no changes based on this comment.

Another commenter stated: ''Some fellow commenters have indicated the solution in these circumstances is for the veteran to file a request to modify the child support. This commentary does not take into consideration the challenges economically disadvantaged veterans have navigating the family court system and the limited legal aid options available to assist them.''

VA Response: VA acknowledges that there may be financial challenges with State court proceedings, but notes that there are options for *pro bono* representation through local bar associations. VA also notes that many of the State court actions for divorce and child support are completely separate from apportionment concerns and not driven by them. Finally, State courts remain better equipped to justly and fairly divide assets for the parties involved using discovery, affidavits, and financial evidence to which the VA does not have access. VA makes no change based upon this comment.

II. Regulatory Process Matters

VA makes no changes based on the comments received. This document adopts as a final rule the proposed rule published in the **Federal Register** on October 14, 2021, with the technical changes noted above.

Executive Orders 12866, 13563, and 14192

VA examined the impact of this rulemaking as required by Executive Orders 12866 (Sept. 30, 1993) and 13563 (Jan. 18, 2011), which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. The Office of Information and Regulatory Affairs has determined that this rule is not a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. This final rule is a deregulatory action under Executive Order 14192. The regulatory impact analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov.*

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). The factual basis for this certification is based on the fact that no small entities or businesses receive or determine entitlement to VA apportionment payments. Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

This final rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year.

Paperwork Reduction Act

The Paperwork Reduction Act (PRA) of 1995 (at 44 U.S.C. 3507) requires that VA consider the impact of paperwork and other information collection burdens imposed on the public. Under 44 U.S.C. 3507(a), an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement, unless it displays a currently valid OMB control number. See also 5 CFR 1320.8(b)(3)(vi).

As required by the PRA of 1995 (at 44 U.S.C. 3507(d)), VA has submitted these information collection amendments to OMB for its review. Notice of OMB approval for this information collection will be published in a future **Federal Register** document. This rule will impose the following amended information collection requirements:

Description of respondents: The respondent population is composed of individuals requesting an apportionment of a VA beneficiary's monetary award when that beneficiary is incarcerated or is deemed incompetent and hospitalized at government expense.

Estimated frequency of responses: Most claimants will use the apportionment form (2900–0666 (VA Form 21–0788)) once. However, the frequency may vary slightly for apportionees of incarcerated veterans, depending on the number of times the primary beneficiary is incarcerated. For an incompetent veteran institutionalized at government expense, VA will appoint a fiduciary; therefore, apportionment claims other than the initial claim will not be needed.

Estimated number of respondents: VA anticipates the annual estimated numbers of respondents for 2900–0666 (VA Form 21–0788) as follows:

2900–0666 (VA Form 21–0788)—In 2024, VA received 2,888 apportionment claims. VA also processed 343 hospital adjustments for veterans in receipt of benefits who were hospitalized or in a nursing home or receiving domiciliary care at VA expense. Approximately 8 of these veterans were incompetent and potentially met the requirements for payment of an apportionment to a dependent. VA also completed approximately 320 apportionments for incarcerated veterans in 2024. Of the 2,888 annual apportionment claims, VA estimates approximately 328 would still need to be processed under the final regulation.

OMB Control Number 2900–0666 (VA Form 21–0788) is a collection of information for an apportionment claim currently required by VA for these claims to be adjudicated. Because VA requires submission of the form to file for an apportionment, VA does not expect an increase in the annual number of respondents; and in fact, anticipates a decrease in the number of claims. In addition, VA is reducing the substance of the collection of information on this OMB-approved collection of information, reducing the time needed to complete the form from 30 minutes to 15 minutes, thus further reducing the respondent burden.

Estimated total annual reporting and recordkeeping burden: 2900–0666 (VA Form 21–0788)—The annual burden is reduced from approximately 1,444 hours per year (2888 claims times 30 minutes per claim form divided by 60) to about 82 hours per year (328 claims per year times 15 minutes per claim form divided by 60). The total estimated cost to respondents is reduced to $2,678.12 (82 hours × $32.66/hour [1]). This submission does not involve any recordkeeping costs.

This rulemaking mandates the use of the VA form in the processing and adjudication of apportionment claims. The amendment to § 3.450 impacts the estimated annual number of respondents and, consequently, the estimated total annual reporting and recordkeeping burden. It also reduces the effect of the existing information collection already approved by OMB. The proposed use of information and description of likely respondents will remain unchanged for this form. The response frequency is less than the previous number estimated. The estimated average burden per response is reduced from 30 minutes to 15

[1] The Bureau of Labor Statistics (BLS) gathers information on full-time wage and salary workers. According to the latest available BLS data, the mean hourly wage is $32.66 based on the BLS wage code—''00–0000 All Occupations.'' This information was taken from the following website: *www.bls.gov/oes/current/oes_nat.htm.*

minutes. VA estimates the total incremental savings based on this revised information collection to be $44,482.92 ($47,161.04 under the current form −$2,678.12 for the revised form).

Methodology for Estimated Annual Number of Respondents for Affected Forms

VA has formulated the estimated total number of annual responses for apportionment claims by using the total number of apportionment claims received in 2024.

List of Subjects

38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Pensions, and Veterans.

38 CFR Part 21

Administrative practice and procedure, Claims, Veterans, Vocational education, Vocational rehabilitation.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on September 30, 2025, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Taylor N. Mattson,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

For the reasons stated in the preamble, VA amends 38 CFR parts 3 and 21 as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.31 [Amended]

■ 2. Amend § 3.31(c)(3) introductory text by removing the words ''original or increased''.

§ 3.210 [Amended]

■ 3. Amend § 3.210(c)(1)(ii) by:
■ a. Removing ''apportionee,'' from the first sentence; and
■ b. Removing the last sentence.

§ 3.252 [Amended]

■ 4. Amend § 3.252 by removing the last sentence of paragraph (d).

■ 5. Revise § 3.400(e) to read as follows:

§ 3.400 General.

* * * * *

(e) *Apportionment*—(1) *General rule.* Except as provided in paragraph (e)(2) of this section, the effective date of an apportionment is the first day of the month after the month in which VA receives an apportionment claim. (See §§ 3.450 through 3.455 and 3.551.)

(2) *Exceptions to general rule*—(i) *Claim for benefits is pending.* If a veteran or surviving spouse (primary beneficiary) has a claim for benefits pending on the date that VA receives an apportionment claim, the effective date of the apportionment will be the effective date of the primary beneficiary's award, or the date the apportionment claimant's entitlement arose, whichever is later.

(ii) *Apportionment claimant not yet established as the beneficiary's dependent.* If VA receives an apportionment claim within 1 year of the award of benefits to the primary beneficiary and the apportionment claimant has not been established as a dependent on the primary beneficiary's award, the effective date of the apportionment will be the effective date of the primary beneficiary's award or the date the apportionment claimant's entitlement arose, whichever is later.

(iii) *The primary beneficiary is incarcerated.* The effective date of an apportionment when the primary beneficiary is incarcerated is specified in § 3.665 or § 3.666.

* * * * *

■ 6. Revise § 3.450 to read as follows:

§ 3.450 General Apportionment.

(a) *Applicability.* Sections 3.450 through 3.459 apply to all claims for apportionment VA receives on or after February 9, 2026.

(b) *Existing apportionments.* All apportionments being paid as of February 9, 2026, will continue to be paid until the circumstances that provided entitlement to the apportionment no longer exist, such as divorce of the veteran and spouse, death of the primary beneficiary, death of an apportionee, or other such circumstances that provided entitlement to the apportionment.

(c) *Apportionment application.* Claims for apportionment must be submitted to VA on a form prescribed by the Secretary.

(Authority: 38 U.S.C. 501(a))

■ 7. Revise § 3.451 to read as follows:

§ 3.451 Apportionment claims.

(a) *General*—(1) *Veteran.* All or part of the pension or disability compensation payable to any veteran may be apportioned for the veteran's spouse, child, or children, or, in the case of disability compensation but not pension, for the veteran's dependent parent, if one of the following conditions exist:

(i) The veteran is incompetent and is being furnished hospital treatment, nursing home, or domiciliary care by the U.S., or any political subdivision thereof; or

(ii) The veteran is incarcerated and meets the conditions of § 3.665 or § 3.666.

(2) *Surviving spouse.* Where a child or children of a deceased veteran is not living with the veteran's surviving spouse because the surviving spouse is incarcerated and meets the conditions of § 3.665 or § 3.666, the dependency and indemnity compensation (DIC) or pension otherwise payable to the surviving spouse may be apportioned to the child or children. No apportionment shall be payable to a child who did not reside with the surviving spouse prior to incarceration.

(b) *Apportionment to a child on active duty.* No apportionment of disability or death benefits will be made or changed solely because a child has entered active duty. If an apportionment is claimed for a child on active duty on the date the apportionment claim is received by VA, no apportionment will be made. If an apportionment is being paid to the veteran's spouse and includes an amount for a child, and the child enters active duty, no change in the apportionment will be made.

(c) *Apportionment of death benefits.* Any amounts payable for children under §§ 3.454 and 3.455 will be equally divided among the children.

(Authority: 38 U.S.C. 5307, 5502(d))

■ 8. Revise § 3.452 to read as follows:

§ 3.452 Veteran's benefits apportionable.

A veteran's benefits may be apportioned when the veteran is receiving hospital treatment, nursing home, or domiciliary care provided by the U.S. or a political subdivision, upon receipt by VA of an application:

(a) *Pending appointment of fiduciary.* Pending the appointment of a guardian or other fiduciary.

(b) *Veteran receiving hospital, domiciliary, or nursing home care*—(1) *Incompetent veteran*—(i) *Spouse or child.* Where an incompetent veteran without a fiduciary is receiving hospital treatment, nursing home, or domiciliary care provided by the U.S. or a political subdivision, his or her benefit may be apportioned for a spouse or child.

(ii) *Dependent parent.* Where an incompetent veteran without a fiduciary is receiving hospital treatment, nursing home, or domiciliary care provided by the U.S. or a political subdivision, his or her disability compensation may be apportioned for a dependent parent.

(2) *Competent veteran*—(i) *Section 306 pension.* Where the amount of section 306 pension payable to a married veteran is reduced to $50 monthly under § 3.551 while a veteran is receiving hospital, domiciliary, or nursing home care, an apportionment may be made to such veteran's spouse. The amount of the apportionment generally will be the difference between $50 and the total amount of pension payable on December 31, 1978.

(ii) *Improved pension.* Where the amount of improved pension payable to a married veteran under 38 U.S.C. 1521(b) is reduced to $90 monthly under § 3.551 an apportionment may be made to such veteran's spouse. The amount of the apportionment generally will be the difference between $90 and the rate payable if pension were being paid under 38 U.S.C. 1521(c), including the additional amount payable under 38 U.S.C. 1521(e) if the veteran is so entitled.

(Authority: 38 U.S.C. 501(a), 5307, 5502, 5503(a); Pub. L. 95–588, section 306, 92 Stat. 2497, 2508–2510)

■ 9. Revise § 3.453 to read as follows:

§ 3.453 Benefits not apportionable.

VA will not apportion benefits:

(a) Unless the spouse of a veteran files a claim for an apportionment. If there is a child of the veteran, an apportionment will not be authorized unless a claim for an apportionment is filed by or for the child.

(b) To any beneficiary's dependent who is determined by VA to have been guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the U.S. or its allies.

(c) After September 1, 1959, if a veteran, spouse, child, dependent parent, or other primary beneficiary:

(1) Forfeited benefits due to fraud or a treasonable act; or

(2) Was convicted of subversive activity.

Note 1 to § 3.453: See §§ 3.900 through 3.903.

(Authority: 38 U.S.C. 5307, 6103(b), 6104(c), 6105(a))

■ 10. Revise § 3.454 to read as follows:

§ 3.454 Apportionment of pension.

(a) *Disability pension.* Disability pension will be apportioned to the veteran's spouse or child or children.

(b) *Death pension.* Old-Law death pension, section 306 death pension, and improved pension will be apportioned to the veteran's child or children.

(Authority: 38 U.S.C. 5307)

■ 11. Add § 3.455 to read as follows:

§ 3.455 Apportionment of a surviving spouse's dependency and indemnity compensation.

(a) *Conditions under which apportionment may be made.* The surviving spouse's award of dependency and indemnity compensation (DIC) will be apportioned where there is a child under 18 years of age and the surviving spouse is incarcerated and meets the provisions of § 3.665. DIC will not be apportioned under this paragraph (a) for a child over age 18 years unless the child is permanently incapable of self-support in accordance with the provisions of § 3.57.

(b) *Rates payable.* The amount of apportionment of DIC will be determined in accordance with the provisions of § 3.665.

(Authority: 38 U.S.C. 101(4)(A), 104(a), 5307)

§§ 3.456 and 3.457 [Added and Reserved]

■ 12. Add reserved §§ 3.456 and 3.457.

§§ 3.458 through 3.461 [Removed and Reserved]

■ 13. Remove and reserve §§ 3.458 through 3.461.

■ 14. Amend § 3.556 as follows:

■ a. In paragraph (a)(1), remove the words "unless it is determined that apportionment for a spouse should be continued";

■ b. In paragraph (e):

■ i. Remove ", in the case of a competent veteran," from the second sentence and remove the third sentence; and

■ ii. Revise the last sentence;

■ c. Remove the parenthetical authority following paragraph (e); and

■ d. Add a parenthetical authority citation at the end of the section.

The revision and addition read as follows:

§ 3.556 Adjustment on discharge or release.

* * * * *

(e) *Regular discharge.* * * * Where an apportionment was made under § 3.551(c), the apportionment will be discontinued effective the day preceding the date of the veteran's release from the hospital, unless an overpayment would result. In the excepted cases, the awards to the veteran and apportionee will be adjusted as of date of last payment.

* * * * *

(Authority: 38 U.S.C. 5503)

■ 15. Amend § 3.665 by revising paragraphs (e), (h), and (i) to read as follows:

§ 3.665 Incarcerated beneficiaries and fugitive felons—compensation.

* * * * *

(e) *Apportionment*—(1) *Compensation.* All of the compensation not paid to an incarcerated veteran may be apportioned to the veteran's spouse, child or children (in equal shares), or dependent parent or parents (in equal shares).

(2) *DIC.* All of the DIC not paid to an incarcerated surviving spouse or other children not in the surviving spouse's custody may be apportioned to another child or children. All of the DIC not paid to an incarcerated child may be apportioned to the surviving spouse or other children (in equal shares).

* * * * *

(h) *Notice to dependent for whom apportionment granted.* A dependent for whom an apportionment is granted under this section shall be informed that the apportionment is subject to immediate discontinuance upon the incarcerated person's release or participation in a work release or halfway house program.

(i) *Resumption upon release*—(1) *No apportionment.* If there was no apportionment at the time of release from incarceration, the released person's award shall be resumed the date of release from incarceration if the Department of Veterans Affairs receives notice of release within 1 year following release; otherwise, the award shall be resumed the date of receipt of notice of release. If there was an apportionment award during incarceration, it shall be discontinued the date of last payment to the apportionee upon receipt of notice of release of the incarcerated person. Payment to the released person shall then be resumed at the full rate from date of last payment to the apportionee. Payment to the released person from date of release to date of last payment to the apportionee shall be made at the rate which is the difference between the released person's full rate and the sum of:

(i) The rate that was payable to the apportionee; and

(ii) The rate payable during incarceration.

(2) *Apportionment to a dependent parent.* An apportionment made to a dependent parent under this section cannot be continued beyond the veteran's release from incarceration unless the veteran is incompetent and the provisions of § 3.452(b)(1) are for application. When a competent veteran is released from incarceration, an

apportionment made to a dependent parent shall be discontinued and the veteran's award resumed as provided in paragraph (i)(1) of this section.

* * * * *

PART 21—VETERAN READINESS AND EMPLOYMENT AND EDUCATION

Subpart A—Veteran Readiness and Employment

■ 16. The authority citation for part 21, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

§ 21.330 [Removed and Reserved]

■ 17. Remove and reserve § 21.330.

[FR Doc. 2026–00237 Filed 1–8–26; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2024–0494; FRL–12517–02–R2]

Air Plan Approval; New York; Ortho Clinical Diagnostics

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State of New York's State Implementation Plan (SIP) for the ozone National Ambient Air Quality Standard (NAAQS) related to a source-specific SIP (SSSIP) revision for Ortho Clinical Diagnostics, 513 Technology Boulevard, Rochester, New York (the Facility). The EPA finds that the control options in this SSSIP revision implement Reasonably Available Control Technology (RACT) with respect to volatile organic compound (VOC) emissions from the relevant Facility source, which are identified as one solvent-based film coating machine. This SSSIP revision implements VOC RACT for the relevant Facility source in accordance with the requirements for implementation of the 2008 and 2015 ozone NAAQS. This action is being taken in accordance with the requirements of the Clean Air Act (CAA). The EPA proposed to approve this rule on July 24, 2025, and received one comment which was not germane.

DATES: This final rule is effective on February 9, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2024–0494, at *https://www.regulations.gov* (our preferred method), or the other submission methods identified in the link below. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *https://www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

FOR FURTHER INFORMATION CONTACT: Linda Longo, Air Programs Branch, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at telephone number: (212) 637–3565, email address: *longo.linda@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What is the background for this action?

On July 24, 2025 (90 FR 34781), the EPA published a notice of proposed rulemaking that proposed to approve a State Implementation Plan (SIP) revision submitted by the State of New York on April 7, 2023 for purposes of establishing RACT emission limit for Ortho Clinical Diagnostics. The proposed SIP revision establishes the lowest VOC emission limit with the application of control technology that is reasonably available given technological and economic feasibility considerations for the Facility's coating machine, 72 Machine. 72 Machine is part of a surface coating line to produce testing slides. The coating process falls under New York Code of Rules and Regulations subpart 228–1, ''Surface Coating Processes.''

The State's April 7, 2023 SIP submittal consists of a RACT demonstration that includes technical analysis and cost assessment for seven applicable control technologies. The Facility's RACT demonstration shows that controlling the overspray is the only VOC control technology that is technologically and economically feasible for 72 Machine, and that controlling the overspray ensures the VOC emissions will not exceed 21,600 pounds per year on a 12-month rolling total basis.[1] Under 6 NYCRR subpart 228–1.5(e), NYSDEC may allow surface coating processes to operate with a lesser degree of control, as established in the applicable presumptive RACT requirements, provided that a process specific RACT demonstration satisfies NYSDEC's regulations, and it addresses technical and economic feasibility of utilizing compliant coatings.

The July 24, 2025 proposed action outlines the EPA's review of the Facility's RACT determination showing three control technologies for 72 Machine that are technically feasible but are not cost effective, which are: (1) Thermal oxidation; (2) catalytic oxidation; and (3) ducting the VOC exhaust from 72 Machine to the Facility's other coating machine.[2] The EPA reviewed vendor quotes and cost analyses submitted by the Facility and compared similar sources in the United States. The EPA confirms that no cost-effective VOC control technologies have become available that could be implemented on 72 Machine.

The specific details of New York's SIP submittals and the rationale for the EPA's approval action are explained in the EPA's proposed rulemaking and are not restated in this final action. For this detailed information, the reader is referred to the EPA's July 24, 2025, proposed rulemaking (90 FR 34781).

II. What comments were received in response to the EPA's proposed action?

In response to the EPA's July 24, 2025 proposed rulemaking on New York SIP revision submittal, the EPA received

[1] The respective VOC emission limit is contained in the Facility's air permit, State Facility Permit, 8–2628–00503/02001, under Condition 13, issued by the State on October 31, 2022, and expires on October 30, 2032. The Condition 13 is being incorporated into the SIP and includes monitoring, reporting, and recordkeeping requirements.

[2] The supporting documentation in the July 24, 2025 proposed action also noted four additional control measures that were analyzed and found to be not technically feasible to install and operate, therefore, no cost assessment was required. Those additional measures were: (1) liquid absorption; (2) carbon adsorption; (3) condenser; and (4) biofiltration.

one comment during the 30-day public comment period. After reviewing the comment, the EPA has determined that the comment is outside the scope of our proposed action or fails to identify any material issue necessitating a response. The comment does not raise issues germane to the EPA's proposed action. Therefore, we are finalizing our action as proposed. The specific comment may be viewed under Docket ID Number EPA–R02–OAR–2024–0494 on the *https://www.regulations.gov* website.

III. What action is the EPA taking?

The EPA is approving the revision to the NYSDEC Ortho Clinical Diagnostics SSSIP revision submitted on April 7, 2023, for purposes of satisfying RACT for the NYSDEC-approved VOC emission limit for 72 Machine.

IV. Incorporation by Reference

In this document, the EPA is finalizing the regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing incorporate by reference revisions to Ortho Clinical Diagnostics State Facility Permit, 8–2628–00503/02001, condition 13, described in the amendments to 40 CFR part 52 as discussed in section I. of this preamble. These documents are available in the docket of this rulemaking through *https://www.regulations.gov.* Therefore, these materials have been approved by the EPA for inclusion in the State Implementation Plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[3]

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This rule is exempt from the Congressional Review Act because it is a rule of applicability.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 10, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Michael Martucci,

Regional Administrator, Region 2.

For the reasons set forth in the preamble, EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart HH—New York

■ 2. In § 52.1670, the table in paragraph (d) is amended by adding the entry ''Ortho Clinical Diagnostics'' at the end of the table to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
*	*	*	*	*
Ortho Clinical Diagnostics ..	8–2628–00503/02001	10/31/2022	1/9/2026	RACT emission limit for condition 13.

[3] 62 FR 27968 (May 22, 1997).

* * * * *

[FR Doc. 2026–00281 Filed 1–8–26; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2025–3027; FRL–13094–01–R1]

Air Plan Approval; New Hampshire; Updates to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is updating the materials that are incorporated by reference (IBR) into the New Hampshire State Implementation Plan (SIP). The regulations affected by this update have been previously submitted by the State of New Hampshire and approved by the EPA. In this final rule, the EPA is also notifying the public of corrections and clarifying changes in the Code of Federal Regulations tables that identify the materials incorporated by reference into the New Hampshire SIP. This update affects the materials that are available for public inspection at the National Archives and Records Administration and the EPA Regional Office.

DATES: This rule is effective on January 9, 2026.

ADDRESSES: The SIP materials for which incorporation by reference into 40 CFR part 52 is finalized through this action are available for inspection at the following locations: U.S. Environmental Protection Agency, EPA Region 1 Regional Office, Air and Radiation Division, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection.

FOR FURTHER INFORMATION CONTACT: Patrick Lillis, Air and Radiation Division (Mail Code 5–MI), U.S. Environmental Protection Agency—Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; tel. (617) 918–1067, or by email at *lillis.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

Table of Contents

I. Background

Each State has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

Each State must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the proposed SIP revisions to the EPA. Once these control measures and strategies are approved by EPA, and after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52, "Approval and Promulgation of Implementation Plans," of title 40 of the Code of Federal Regulations (40 CFR part 52). The full text of the State regulation approved by the EPA is not reproduced in its entirety in 40 CFR part 52 but is "incorporated by reference." This means that the EPA has approved a given State regulation or specified changes to the given regulation with a specific effective date. The public is referred to the location of the full text version should they want to know which measures are contained in a given SIP. The information provided allows the EPA and the public to monitor the extent to which a State implements a SIP to attain and maintain the NAAQS and to take enforcement action for violations of the SIP.

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, the EPA from time to time must take action on proposed revisions containing new or revised State regulations. A submission from a State can revise one or more rules in their entirety, or portions of rules. The State indicates the changes in the submission (such as by using redline/strikethrough text) and the EPA then takes action on the requested changes. The EPA establishes a docket for its actions using a unique Docket Identification Number, which is listed in each action. These dockets and the complete submission are available for viewing on *www.regulations.gov.*

On May 22, 1997 (62 FR 27968), the EPA revised the procedures for incorporating by reference, into the CFR, materials approved by the EPA into each SIP. These changes revised the format for the identification of the SIP in 40 CFR part 52, streamlined the mechanisms for announcing the EPA approval of revisions to a SIP, and streamlined the mechanisms for the EPA's updating of the IBR information contained for each SIP in 40 CFR part 52. The revised procedures also called for the EPA to maintain "SIP Compilations" that contain the federally approved regulations and source specific permits submitted by each State agency.

The EPA generally updates these SIP Compilations every few years. Under the revised procedures, the EPA must periodically publish an informational document in the rules section of the **Federal Register** notifying the public that updates have been made to a SIP Compilation for a particular State. The EPA began applying the 1997 revised procedures to the New Hampshire SIP on September 30, 2009 (74 FR 50118). In this action, Region 1 is updating the SIP Compilation for IBR information since September 30, 2009.

A. Added Regulations

- Env-A 1300 Nitrogen Oxides (NO_X) Reasonably Available Control Technology (RACT).
- Env-A 1600 Fuel Specifications.
- Env-A 1900 Emission Standards and Operating Practices for Incinerators.
- Env-A 2100 Particulate Matter and Visible Emissions Standards.
- Env-A 2300 Mitigation of Regional Haze.
- Env-A 2400 Ferrous and Non-Ferrous Foundries, Smelters, and Investment Casting Operations.
- Env-A 2700 Hot Mix Asphalt Plants.
- Env-A 2800 Sand and Gravel Sources; Non-Metallic Mineral Processing Plants; Cement and Concrete Sources.
- Env-Or 500 Recovery of Gasoline Vapors.
- Title I of the New Hampshire Statutes: The State and its Government, Chapter 21–0.
- Title X of the New Hampshire Statutes: Public Health, Chapter 125–C.
- Title X of the New Hampshire Statutes: Public Health, Chapter 125–O.
- Certifications for RACT for the 2008 and 2015 ozone standards.
- Negative Declarations included in New Hampshire's State Implementation Plan for purposes of the 2008 and 2015 ozone standards.
- New Hampshire Regional Haze Plan Periodic Comprehensive Revision for 2nd planning period 2018–2028.
- Certifications for RACT for the 2008 and 2015 ozone standards.
- Certifications for RACT for the 2008 and 2015 ozone standards.

B. Revised Regulations

- Env-A 100 Definitions.
- Env-A 200 Permit Notice and Hearing Procedures.
- Env-A 300 Ambient Air Quality Standards.
- Env-A 600 Statewide Permit System.
- Env-A 800 Testing and Monitoring Procedures.
- Env-A 900 Owner or Operator Obligations.
- Env-A 1000 Prevention, Abatement, and Control of Open Source Air Pollution.
- Env-A 1200 Volatile Organic Compounds (VOCs) Reasonably Available Control Technology (RACT).
- Env-A 1500 Conformity.
- Saf-C 3200 Official Motor Vehicle Inspection Requirements.
- Saf-C 5800 Roadside Diesel Opacity Inspection.

C. Removed Regulations

- Env-A 400 Sulfur Content Limits in Fuels.
- Env-A 700 Permit Fee System.

D. Added Single Source Specific Orders

- PSNH Merrimack Station (TP–0008)
- Hitchiner Manufacturing (ARD–02–001)
- Hutchinson Sealing Systems (ARD–01–002)
- TFX Medical Incorporated (ARD–07–002)
- Newington Energy, LLC. (ARD–04–001)
- Waste Management (ARD–01–001)
- Gorham Paper and Tissue (Order No. ARD–97–003)
- Parker-Hannifin Corporation (ARD 03–001A)
- Textile Tapes Corporation (ARD–96–001)
- Watts Regulator Company (ARD 07–001)
- Sturm Ruger and Company (ARD–03–001)
- PSNH d/b/a Eversource Energy Merrimack Station (TP–0189)
- Diacom Corporation (RACT Order RO–0002)
- Schiller Station (NO_X RACT Order RO–003)
- Anheuser Busch (NO_X RACT Order ARD–05–001)
- Metal Works (VOC RACT Order ARD–05–001)
- Polyonics (VOC RACT Order ARD07–004)
- Complete Coverage Woodpriming (VOC RACT Order RO–0004)
- PSI Molded Plastics (RO–0005)
- Fujifilm Dimatix Incorporated (RO–0006)
- PAK Solutions LLC. (RACT Order RO–0007)

E. Removed Single Source Specific Orders

- Source specific NO_X RACT order for Groveton Paperboard Corp., Groveton, NH (Order ARD–95–001.)
- Source specific NO_X RACT order for Plymouth Cogeneration Ltd. Partnership, Plymouth, NH. (Order ARD–95–002.)
- Source specific NO_X RACT order for Waterville Valley Ski Area Ltd., Waterville Valley, NH (Order ARD–95–003.)
- VOC RACT for L.W. Packard and Company, Inc. Ashland, NH. (Order ARD–94–001.)
- VOC RACT for Kalwall Corporation, Manchester, NH. (Order ARD–95–010.)
- Source specific NO_X RACT order for Hampshire Chemical Corporation, Nashua, NH. (Order ARD–95–011.)

II. EPA Action

In this action, the EPA is providing notification of an update to the materials incorporated by reference into the New Hampshire SIP as of December 9, 2024 and identified in 40 CFR 52.1520(c) and (d). This update includes SIP materials submitted by New Hampshire and approved by the EPA since the initial IBR update. *See* 74 FR 50118 (September 30, 2009).

III. Good Cause Exemption

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make an action effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This administrative action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs, makes corrections and clarifying changes to the tables in the CFR, and makes ministerial changes to the prefatory heading to the tables in the CFR. Under section 553 of the APA, an agency may find good cause where procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Public comment for this administrative action is ''unnecessary'' and ''contrary to the public interest'' since the codification (and corrections) only reflect existing law. Immediate notice of this action in the **Federal Register** benefits the public by providing the public notification of the updated New Hampshire SIP Compilation and notification of corrections to the New Hampshire ''Identification of Plan'' portion of the CFR. Further, pursuant to section 553(d)(3), making this action immediately effective benefits the public by immediately updating both the SIP Compilation and the CFR ''Identification of plan'' section (which includes table entry corrections).

IV. Incorporation by Reference

In this document, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of regulations promulgated by New Hampshire, previously approved by the EPA and federally effective before December 9, 2024, contained in 40 CFR 52.1520(c), *EPA approved regulations,* described in section II. of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because

application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 10, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: December 22, 2025.

Mark Sanborn,

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52 of chapter I, title 40 of the Code of Federal Regulations as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart EE—New Hampshire

■ 2. In § 52.1520 is amended by revising paragraph (b) to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 9, 2024, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 9, 2024, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of the dates referenced in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 1 EPA Office at 5 Post Office Square—Suite 100, Boston, MA 02109. To obtain the material, please call the EPA Region 1 Office. You may inspect the material with an EPA approval date prior to December 9, 2024, at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

* * * * *

[FR Doc. 2026–00249 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2024–0378; FRL–12933–02–R5]

Air Plan Approval; Indiana; Huntington County 2010 Sulfur Dioxide Redesignation and Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) finds that Huntington Township in Huntington County, Indiana (hereafter referred to as ''Huntington area'') is attaining the 2010 sulfur dioxide (SO_2) National Ambient Air Quality Standard (NAAQS). EPA is approving Indiana's request to redesignate the Huntington area from nonattainment to attainment for the 2010 SO_2 NAAQS because the request meets the statutory requirements for redesignation under the Clean Air Act (CAA). EPA is also approving Indiana's maintenance plan for the area as part of Indiana's federally enforceable State Implementation plan (SIP).

DATES: This final rule is effective on January 9, 2026.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2024–0378. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *https://www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Cecilia Magos, at (312) 886–7336 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Cecilia Magos, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7336, *magos.cecilia@epa.gov.*

SUPPLEMENTARY INFORMATION:

Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

On January 9, 2018 (83 FR 1098), EPA designated Huntington Township, a partial area of Huntington County, Indiana, as nonattainment for the 2010 SO_2 NAAQS. Section 191 of the CAA, 42 U.S.C. 7514, directs States to submit a SIP for an area designated as nonattainment demonstrating that the area will achieve the NAAQS as expeditiously as practicable, but no later than five years from the effective date of designation. EPA approved Indiana's plan for attaining the 2010 SO_2 NAAQS for the Huntington area on August 14, 2025 (90 FR 39130), and found that Indiana satisfied other applicable requirements for nonattainment areas. EPA published its proposed approval on September 25, 2025 (90 FR 46124), for the Huntington area. The public comment period for this proposal closed on October 27, 2025.

II. Response to Public Comments

EPA received two supportive comments and three adverse comments. Summaries of the adverse comments and EPA's responses are provided below. All comments submitted during the public comment period are available in the docket of this action.

Comment: The commenter requests EPA withdraw the direct final rule approving the Huntington County area redesignation and maintenance plan. Additionally, they request EPA re-propose the action as a ''standard notice-and-comment process'' and provide a 60-day comment period pursuant to the Administrative Procedure Act (APA) and the CAA with all the key technical materials in the docket the commenter suggests are missing.

Response: EPA notes the commenter mischaracterizes the action published. EPA did not publish a direct final rule approving the redesignation to attainment for the 2010 SO_2 NAAQS and maintenance plan of the Huntington County area. EPA published a proposed approval of the redesignation and maintenance plan on September 25, 2025 (90 FR 46124), and opened a public comment period for 30-days as required by the APA and CAA. Additionally, EPA has made all appropriate documentation available in the docket of this action. Therefore, EPA will not repropose the approval of the 2010 SO_2 NAAQS redesignation and maintenance plan for the Huntington area.

Comment: Commenter states that under the APA, EPA did not include the appropriate or sufficient technical materials necessary for meaningful comment. To summarize, the commenter requests additional modeling and technical support materials related to AERMOD, AERMET, BPIPPRM, receptor network, background concentration, stack parameters, source shutdown or curtailment documentation for the demonstration of attainment and emissions growth projections for the maintenance period, verification of the maintenance plan's monitoring/verification commitments, and quality assurance and quality control documentation be made available for meaningful evaluation of the attainment demonstration and maintenance plan for Huntington County.

Response: As noted in the proposed rulemaking, EPA's April 23, 2024, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions'' (''April 2014 SO_2 Guidance'') [1] states EPA may make determinations of attainment based on the modeling, using allowable emissions, from the attainment demonstrations for the applicable SIP for the affected area. The April 2014 SO_2 Guidance also notes that a separate actuals-based modeling to support a redesignation request is not necessary if an attainment determination was made based on allowables-based modeling and a demonstration of a fully implemented control strategy has been provided.[2] EPA's redesignation proposal relies on enforceable limits, previously approved as part of the area's attainment plan action and a report included in the redesignation request containing results from stack testing demonstrating compliance with enforceable SO_2 emission limits. These stack test results were included in the docket of this action. Modeling requirements and Indiana's modeling analysis, as requested by the commenter, may be found in EPA's proposed attainment plan approval (see 90 FR 25968, June 18, 2025) and therefore, EPA does not find the comment to warrant any changes to this action.

Regarding the comments related to the maintenance plan, such as emission growth projections, verification of monitoring, and the availability of quality assurance and quality control documentation of the attainment demonstration and maintenance plan for Huntington County area, EPA finds that Indiana has appropriately fulfilled its maintenance plan obligations as required under CAA section 175A, 42 U.S.C. 7505A. To further clarify, the docket of this action contains Indiana's redesignation request, which outlines Indiana's requirements for verification of continued attainment and the requirements for maintenance demonstration under section 175A. EPA determines that Indiana adequately fulfilled these requirements through commitments to annual emissions submittals that verify continued attainment of the 2010 SO_2 NAAQS and review of the projected emissions inventory for the Huntington area.

As noted above, EPA adequately fulfilled its requirements under the APA, included all appropriate documentation, and provided adequate time for public comment.

Comment: Regarding the maintenance plan, two commenters note that it does not: ''specify objective, near-term triggers tied to monitored and/or modeled indicators''; identify or define concrete contingency measures to take effect upon triggers; contain corrective actions and deadlines including specific numeric concentrations or emissions thresholds that would initiate enforcement; nor does it commit to verification of continued ambient air quality monitoring to detect local SO_2 hotspots, or contain a schedule for periodic inventories or public reporting.

Response: EPA does not agree with the submitted comments. Unlike CAA section 172(c)(9), 42 U.S.C. 7502(c)(9), section 175A of the CAA does not explicitly require that contingency measures must take effect without further action by the air agency in order for the maintenance plan to be approved. However, the maintenance plan's contingency plan would become an enforceable part of the SIP and should ensure that contingency measures are adopted and implemented as expeditiously as practicable once they are triggered.[3] In the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' published on April 16, 1992 (57 FR 13498), EPA provides further discussion of contingency measures for SO_2. This guidance states that in many cases, attainment revolves around compliance of a single source or a small set of sources with emission limits shown to provide for attainment. Although this guidance applies to contingency measures under section

[1] EPA's *Guidance for 1-Hour Sulfur Dioxide (SO_2) Nonattainment Area State Implementation Plans (SIP) Submissions* can be found at *https://www.epa.gov/so2-pollution/guidance-1-hour-sulfur-dioxide-so2-nonattainment-area-state-implementation-plans-sip.*

[2] April 2014 Guidance, pg. 63.

[3] See April 2014 SO_2 Guidance, page 68.

172(c)(9), EPA applies a similar policy with respect to contingency measures for SO_2 required in maintenance plans under section 175A(d). The requirement to submit contingency measures in accordance with section 175A of the CAA can be adequately addressed for SO_2 by the operation of a comprehensive enforcement program,[4] as stated in the proposed rule, which can quickly identify and address sources that might be causing exceedances of the NAAQS. Indiana satisfies contingency measure requirements under CAA section 175A that will promptly correct any violation of the 2010 SO_2 NAAQS.

EPA finds that the redesignation request appropriately identifies objectives, triggers, and timelines for contingency measures to take place. As stated in the redesignation request, contingency measures include reporting of non-compliance, which if a violation is present, triggers a 30-day evaluation period to determine the cause, followed by a 30-day consultation period with the facility to develop operational changes. According to Indiana's redesignation request, any changes would be implemented within 18–24 months of the modeled violation. Any necessary control measures will be subject to Indiana's administrative and legal processes, including public hearing and other measures as required by State law for rulemaking, permitting, and/or SIP revisions. Further, Indiana relies on the enforceable emission control measures set forth in Commissioner's Order 2023–Air–02, to be incorporated into Isolatek International's (Isolatek) Part 70 Operating Permit, including reporting and recordkeeping requirements and methods to determine compliance. Therefore, EPA disagrees with commenters statements that the State failed to identify appropriate contingency measure triggers or verification of continued ambient air quality monitoring in the Huntington County area.

Comment: The commenter requests that EPA repropose this rule to incorporate a clear Incorporation by Reference section that includes the maintenance plan or related State materials.

Response: This action does not include any new material for Incorporation by Reference. Rather, EPA relies on the previously approved and incorporated by reference Commissioner's Order 2023–Air–02, which contains enforcement emissions limits and associated requirements for Isolatek (90 FR 39130, August 14, 2025). All relevant information is included in the docket of this action and has been made available for public review.

Comment: Commenter notes that a lack of a SLAMS-equivalent ambient SO_2 monitor in the nonattainment area suggests there is no check on modeling assumptions or early warning of emission spikes. The commenter requests the implementation and operation of an SO_2 monitor within one year of redesignation to verify modeled demonstrations, verify compliance, and enhance transparency.

Response: Based on the April 2014 SO_2 Guidance, in areas where there are no air quality monitors located in the affected area, EPA may make determinations of attainment based on a submitted modeled demonstration, using allowable emissions, to show that the mix of sources and enforceable measures and emission rates in an identified area will not lead to a violation of the 2010 SO_2 NAAQS. More information on the modeled demonstration can be found in the proposed attainment approval (90 FR 25968, June 18, 2025) and will not be restated here.

EPA's review of Indiana's redesignation and maintenance plan request indicates that Indiana conducted allowables-based modeling to show attainment of the NAAQS, previously approved (90 FR 39130, August 14, 2025), and included additional stack testing results to demonstrate compliance with Commissioner's Order 2023–Air–02 that established emissions limits and compliance requirements for SO_2 for the Isolatek facility. Additionally, Indiana commits to annual emissions reporting of the Isolatek facility as part of Indiana's submittal of ongoing data requirements rule reporting subject to public notice, to provide ongoing verification of attainment. Further, Indiana has a fully approved New Source Review (NSR) program (94 FR 24837, October 7, 1994), including requirements to assess the impacts of any plans to construct or resume operations of an emission unit on maintaining NAAQS attainment. EPA finds these measures sufficient to ensure ongoing compliance.

Comment: Commenter states the maintenance plan does not present dispersion modeling for a future maintenance year, citing the Calcagni Memo maintenance planning guidance.

Response: EPA does not find the comment to be accurate. EPA's "Procedures for Processing Requests to Redesignate Areas to Attainment", also known as the Calcagni Memo, describes two ways for a State to demonstrate maintenance of the NAAQS following the redesignation of the area: (1) the State can show that future emissions of a pollutant will not exceed the level of the attainment inventory, or (2) the State can provide modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. As stated in the proposed rule (90 FR 46124 at 46127), Indiana's redesignation request contains an emissions inventory for 2035, the maintenance year, that does not show any increases in maximum allowable emissions from the attainment year, meeting the requirements laid out in the Calcagni Memo.

Comment: Commenter expresses concern over the lack of assurance that other existing or future stationary sources will remain within acceptable SO_2 levels, beyond the Isolatek facility. The commenter requests for "a mechanism to track, evaluate, and control unanticipated emission increases" to ensure continued attainment.

Response: The CAA requires States to have an active NSR and Prevention of Significant Deterioration (PSD) permitting programs for any new construction or any new modification to a stationary source. As a maintenance area, the Huntington area will be subject to NSR and PSD permitting programs to address any potential violations or exceedances of the NAAQS. Indiana's SIP approved programs for NSR and PSD (94 FR 24837, October 7, 1994)—as stated in the proposed rulemaking—include requirements to assess the impacts of any potential new source construction or modifications, and requirements applicable to resume operations of an emission unit on maintaining NAAQS attainment. Additionally, Indiana has shown that it maintains an active enforcement program to ensure ongoing compliance with these requirements. To provide ongoing verification of attainment, Indiana commits to annual emissions reporting of the Isolatek facility as part of Indiana's submittal of ongoing data requirements rule reporting subject to public notice as previously noted. EPA finds that Indiana provided appropriate assurances to maintain attainment of the 2010 SO_2 NAAQS.

Comment: Commenter requests EPA to not approve the redesignation and maintenance plan due to a "probably inaccurate model using dispersion to dilute SO_2" that is likely to lead to more air pollution, the burden to the American taxpayer due to the costs associated with deregulation, and the notion that this rule "appears to be a political and corrupt move because of

[4] See April 2014 SO_2 Guidance, page 41–42.

the failed trade war, and [the] tariff tax [that] has destroyed possibly forever America's agribusiness and free trade capital.''

Response: Modeling used to support the redesignation to attainment for the 2010 SO_2 NAAQS follows the appropriate modeling requirements as described in appendix W to 40 CFR part 51. A more in-depth analysis may be found in EPA's proposed attainment plan approval (90 FR 25968, June 18, 2025) and in Indiana's modeling report included as Attachment D of the submitted redesignation request. EPA finds that the modeling demonstrates attainment of the 2010 SO_2 NAAQS and does not anticipate an increase in air pollution.

EPA does not find the ''costs associated with deregulation'' explanation to be relevant to this action. This action is approving a redesignation to attainment for the 2010 SO_2 NAAQS, indicating cleaner air for the population of the Huntington area and a plan to ensure future maintenance of the standard. Further, this action is in accordance with CAA actions codified in 40 CFR part 52 and not relevant to trade wars or tariff taxes as the commenter suggests.

III. What action is EPA taking?

EPA is approving redesignation of the Huntington area from nonattainment to attainment for the 2010 SO_2 NAAQS in accordance with Indiana's July 30, 2024, request. EPA determined the area is attaining the 2010 SO_2 NAAQS and that the improvement is due to permanent and enforceable SO_2 emission reductions in the area. Finally, EPA is approving Indiana's maintenance plan as part of Indiana's federally enforceable SIP to ensure the Huntington area will continue to maintain attainment of the 2010 SO_2 NAAQS.

In accordance with 5 U.S.C. 553(d) of the APA, this action shall become effective immediately upon publication. The immediate effective date for this action is authorized under 5 U.S.C. 553(d)(1).

Section 553(d)(1) of the APA provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977) (quoting legislative history). However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. EPA has determined that this rule relieves a restriction because this rule relieves sources in the area of Nonattainment NSR permitting requirements; instead, upon the effective date of this action, sources will be subject to less restrictive PSD permitting requirements. For this reason, EPA finds that under 5 U.S.C. 553(d)(1) it is appropriate for this action to become effective on the date of publication of this action.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 10, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2). 42 U.S.C. 7607(b)(2).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: December 29, 2025.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 and 81 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

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

■ 2. In § 52.770, the table in paragraph (e) is amended by adding an entry for ''Huntington County 2010 Sulfur

Dioxide (SO_2) Maintenance Plan'' at the end to read as follows:

§ 52.770 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED—INDIANA NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Title	Indiana date	EPA approval	Explanation
* * *	*	* * *	
Huntington County 2010 Sulfur Dioxide (SO_2) Maintenance Plan.	07/30/2024	01/9/2026, 90 FR [Insert **Federal Register** page where the document begins].	

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.315 is amended in the table entitled ''Indiana—2010 Sulfur Dioxide NAAQS [Primary]'' by revising the entry for ''Huntington, IN'' to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—2010 SULFUR DIOXIDE NAAQS

[Primary]

Designated Area [1]	Designation	
	Date [2]	Type
Huntington, IN Huntington County (part) Huntington Township	01/9/2026, 90 FR [Insert **Federal Register** page where the document begins].	Attainment.
* * *	* *	* *

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

* * * * *

[FR Doc. 2026–00246 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2025–0355; FRL–13131–01–R5]

Approval and Promulgation of Delegation of Authority for Designated Facilities and Pollutants; Ohio; Delegation of Authority

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving delegation of authority to the Ohio Environmental Protection Agency (Ohio EPA) for implementing and enforcing the Federal plan requirements for municipal solid waste (MSW) landfills that commenced construction on or before July 17, 2014, and have not been modified or reconstructed since July 17, 2014. Additionally, Ohio EPA has requested to withdraw an existing MSW landfill State plan which will be replaced with the delegation of authority of the Federal plan. On June 12, 2025, the Ohio EPA Director signed a Memorandum of Agreement concerning the delegation of authority of the Federal plan to Ohio EPA by EPA. On June 24, 2025, the Memorandum of Agreement became effective upon the EPA Region 5 Regional Administrator's signature. The Federal plan addresses the implementation and enforcement of emission guidelines that impose emission limits and other control requirements on designated air pollutants from MSW landfills. This document informs the public of the Memorandum of Agreement, provides a copy of the signed document, and amends regulatory text in accordance with the Clean Air Act (CAA).

DATES: This final rule is effective on January 9, 2026.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2025–0355. All documents in the docket are listed on the website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information, Proprietary Business Information, or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regualtions.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Berkowitz, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 353–4306, or by email at *Berkowitz.Robert@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

I. Background

Section 111 of the CAA, ''Standards of Performance for New Stationary

Sources,'' directs EPA to establish emission standards for stationary sources of air pollution that could potentially endanger public health or welfare. These standards are referred to as New Source Performance Standards (NSPS). Section 111(b) directs EPA to publish and periodically revise a list of categories of stationary sources which cause or significantly contribute to air pollution, and to establish NSPS within these categories. Section 111(d) addresses the process by which EPA and States regulate standards of performance for existing sources belonging to those categories established in section 111(b). When NSPS are promulgated for new sources, section 111(d) and EPA regulations require that EPA publish an Emission Guideline (EG) to regulate the same pollutants from existing facilities. While the NSPS are directly applicable to new sources, an EG for an existing source (designated facility) is intended for States to use to develop a State plan to submit to EPA. CAA section 111 and 40 CFR 60.27(c) and (d) require EPA to develop, implement, and enforce a Federal plan for designated facilities located in any State or Indian country that does not have an approved State plan under CAA section 111 that implements the EG. A State may then meet its CAA 111(d) obligations by submitting a formal written request for delegation of authority to implement and enforce the Federal plan. The language in the preamble of ''Federal Plan Requirements for MSW Landfills that Commenced Construction On or Before July 17, 2014, and Have Not Been Modified or Reconstructed Since July 17, 2014'' provides a framework for EPA to transfer implementation and enforcement authority to a State or Tribe through a Memorandum of Agreement (MOA) (86 FR 27756, May 21, 2021). A State or Tribe must request delegation through a letter that:

- Demonstrates the State or Tribe has adequate resources, as well as the legal authority, to administer and enforce the program;
- Includes an inventory of designated facilities, which includes those that have ceased operation, but have not been dismantled or rendered inoperable, and an inventory of the designated units' air emissions;
- Certifies a public hearing was held on the State or Tribal delegation request; and
- Includes a MOA between the State or Tribe and EPA that sets forth the terms and conditions of the delegation, the effective date of the agreement, and the mechanism to transfer authority.

Upon signature of the agreement, the approved document will be published in the **Federal Register**, thereby incorporating the delegation of authority into the appropriate subpart of 40 CFR part 62.

The MSW landfills NSPS for new landfills and EG for existing MSW landfills were first promulgated by EPA on March 12, 1996 (61 FR 9905), in 40 CFR part 60, subparts WWW and Cc, respectively. EPA finalized revisions to the MSW landfills NSPS and EG in 40 CFR part 60, subparts XXX and Cf on August 29, 2016 (81 FR 59332; 81 FR 59276), respectively. The 2016 EG revision updates the control requirements and monitoring, reporting, and recordkeeping provisions for existing MSW landfill sources.

The current MSW landfills EG, found at 40 CFR part 60, subpart Cf, concerns the regulation of landfill gas and its components, including methane and nonmethane organic compounds, from MSW landfills for which construction, reconstruction, or modification was commenced on or before July 17, 2014. Pursuant to section 111(d) of the CAA and 40 CFR part 60, subpart B, States are required to revise their State plans to comply with the amended regulations. On May 21, 2021 (86 FR 27756), EPA finalized the MSW landfills Federal plan in 40 CFR part 62, subpart OOO. EPA issued technical amendments on February 3, 2022 (87 FR 8202), for both the NSPS in 40 CFR part 60, subpart XXX, and the Federal plan in 40 CFR part 62, subpart OOO. The MSW landfills Federal plan at 40 CFR part 62, subpart OOO, applies to States that do not have an EPA approved State plan based on 40 CFR part 60, subpart Cf.

Ohio EPA submitted a MSW landfills State plan on March 30, 1998. EPA approved Ohio EPA's State plan on August 7, 1998 (63 FR 42235), and it became effective on October 6, 1998. Ohio EPA's adopted rules for MSW landfills can be found at Ohio Administrative Code Chapter 3745–76 01–15. In order to fulfill continued obligations under CAA section 111(d), Ohio EPA submitted a package to withdraw their previous State plan and request delegation of the Federal plan through a signed MOA. For the reasons discussed below, EPA believes that Ohio EPA's request for delegation of authority of the Federal plan meets the relevant requirements of the CAA section 111(d) implementing regulations at 40 CFR part 60, subparts B and Cf.

II. Memorandum of Agreement Contents and EPA Analysis

EPA has evaluated Ohio EPA's Federal plan delegation request submittal package to determine whether the package meets the previously mentioned applicable requirements. EPA's detailed rationale and discussion on the submittal package can be found in the Technical Support Document (TSD), located in the docket for this rulemaking. The applicable provisions and EPA's analysis are briefly summarized below.

- Ohio EPA demonstrated that it has adequate legal authority to administer the Federal plan through its CAA 40 CFR part 70 title V operating permits program by incorporating all Federal plan requirements into each facility's permit to install and title V operating permit for each affected designated facility when issued. Ohio EPA also certified that it has adequate staffing levels and divisional resources to ensure complete and timely review and issuance of conforming permits, and to monitor and ensure compliance of all affected landfills in the State.
- Ohio EPA submitted an inventory of designated MSW landfills including those that are no longer operational but have not been dismantled or rendered inoperable, an inventory of emissions, and listed each source's existing air pollution controls. Ohio has thirty (30) existing MSW landfills that are expected to be affected by the Federal plan.
- Ohio EPA submitted certification that a public hearing was held on March 6, 2025.
- Ohio EPA included a MOA with all information detailed in the MSW landfills Federal plan preamble (86 FR 27756).

The MOA was signed by the Ohio EPA Director on June 12, 2025, and became effective upon the signature of the EPA Region 5 Regional Administrator on June 24, 2025. The effective MOA applies to the designated facilities within the State of Ohio and is not implemented and enforced on Indian land.

EPA has evaluated Ohio EPA's submittal for consistency with the CAA, EPA regulations, and EPA policy. EPA determined that Ohio EPA has met all the requirements of EPA's guidance for obtaining the delegation of authority to implement and enforce the Federal plan.

III. Good Cause Finding

Section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because such notice and opportunity for comment is unnecessary.

EPA opened the final MSW landfills Federal plan to public input on August 22, 2019 (84 FR 43745), and likewise solicited comments on the proposed technical amendments on April 13, 2021 (86 FR 19176). EPA has already approved the delegation of authority to implement and enforce the Federal plan for MSW landfills to Ohio EPA, and it has already become effective following the signature of both parties on the MOA. Ohio EPA also held a public hearing and solicited public comment about the request for delegation of authority in Ohio, pursuant to the requirements in 40 CFR 60.23 and 62.09. Notice and comment are ''unnecessary'' as this final rule only takes the ministerial action of updating the regulatory text in part 62 to reflect this transfer of authority. It does not alter the universe of sources regulated under the Federal plan and it does not change the regulatory requirements applicable to those sources.

IV. Final Action

EPA is amending regulatory text at 40 CFR part 62, subpart KK—Ohio, to promulgate the approved delegation of authority through the MOA to Ohio EPA for implementing and enforcing the MSW landfills Federal plan requirements.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator has the authority to delegate the authority to implement a 111(d) Federal plan that complies with the provisions of the CAA and applicable Federal regulations. (40 CFR 60.27). In reviewing CAA section 111(d) delegation requests, EPA's role is to approve State choices, provided they meet the criteria of the CAA and of EPA's implementing regulations. Accordingly, this action merely codifies in the Code of Federal Regulations EPA's delegation of authority to implement the Federal plan and does not impose additional requirements beyond those imposed by the already applicable Federal plan.

A. Executive Order 12866: Regulatory Planning and Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because approvals of 111(d) actions are exempt from review under Executive Order 12866.

C. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

D. Regulatory Flexibility Act

This action merely codifies in the approval of the transfer of authority from EPA to Ohio EPA for the MSW landfills Federal plan. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by the already-applicable Federal plan. Accordingly, no additional costs to State, local, or Tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects 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.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This rule does not have Tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on Tribal governments. Thus, Executive Order 13175 does not apply to this rule.

H. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This action is not subject to Executive Order 13045 because it is not 3(f)(1) significant as defined in Executive Order 12866, and because EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer Advancement Act

This rulemaking does not involve technical standards and is therefore not subject to the requirements of section 1(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note).

K. Congressional Review Act

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 10, 2026. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 62

Environmental Protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Landfills, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: December 19, 2025.

Anne Vogel,

Regional Administrator, Region 5.

For the reasons set forth in the preamble, 40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart KK—Ohio

■ 2. Sections 62.8870, 62.8871, and 62.8872 are revised to read as follows:

* * * * *

Sec.

62.8870 Identification of plan-delegation of authority.

62.8871 Identification of sources.

62.8872 Effective date.

* * * * *

§ 62.8870 Identification of plan-delegation of authority.

On June 16, 2025, the Ohio Environmental Protection Agency (Ohio EPA), submitted a letter requesting delegation of authority from EPA to implement and enforce the Federal plan requirements for existing municipal solid waste landfills as required under subpart OOO of this part. The Federal plan will be administered by both Ohio EPA and EPA.

§ 62.8871 Identification of sources.

The plan applies to all existing municipal solid waste landfills that commenced construction, reconstruction, or modification on or before July 17, 2014, and accepted waste at any time since November 8, 1987, or has additional capacity for future waste deposition, as described in 40 CFR part 60, subpart Cf.

§ 62.8872 Effective date.

On June 12, 2025, the Ohio EPA Director signed the Memorandum of Agreement concerning the Delegation of Authority of the Federal plan. On June 24, 2025, the EPA Region 5 Regional Administrator signed the Memorandum of Agreement, making the delegation effective.

[FR Doc. 2026–00253 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 370

[EPA–HQ–OLEM–2025–0299; FRL–12698–05–OLEM]

RIN 2050–AH40

Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements To Conform to the 2024 OSHA Hazard Communication Standard; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because the Environmental Protection Agency (EPA) received adverse comment, we are withdrawing the direct final rule Technical Amendments to the Emergency Planning and Community Right-to-Know Act (EPCRA) Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard, published in the **Federal Register** on November 17, 2025.

DATES: Effective January 9, 2026, the EPA withdraws the direct final rule published at 90 FR 51187, on November 17, 2025.

FOR FURTHER INFORMATION CONTACT: Jennifer Barre, Office of Resource Conservation and Recovery, Waste and Chemical Implementation Division (5303T), Environmental Protection Agency, 1200 Pennsylvania Ave NW, Washington, DC 20460; telephone number: (240) 644–4559; email address: *barre.jennifer@epa.gov;* websites: *https://www.epa.gov/epcra/emergency-planning-andcommunity-right-know-act-non-section-313-regulations-and-amendments.*

SUPPLEMENTARY INFORMATION: Because the EPA received adverse comment, we are withdrawing the direct final rule entitled, ''Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard,'' published on November 17, 2025 (90 FR 51187). We stated in that direct final rule that if we received adverse comment by December 17, 2025, the direct final rule would not take effect and we would publish a timely withdrawal in the **Federal Register**. Because the EPA subsequently received adverse comment on that direct final rule, we are withdrawing the direct final rule.

The EPA published a parallel proposed rule on the same day as the direct final rule (90 FR 51266). The proposed rule invited comment on the substance of the direct final rule. We will address those comments in any subsequent final action, which will be based on the parallel proposed rule. As stated in the direct final rule and the parallel proposed rule, we do not intend to institute a second comment period on this action.

List of Subjects in 40 CFR Part 370

Environmental protection, Chemicals, Emergency preparedness, Hazardous substances, Occupational safety and health, Reporting and recordkeeping requirements.

John W. Busterud,

Assistant Administrator, Office of Land and Emergency Management.

Accordingly, the rule amending 40 CFR part 370 published on November 17, 2025 (90 FR 51187), is withdrawn as of January 9, 2026.

[FR Doc. 2026–00259 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383

[Docket No. FMCSA–2024–0121]

RIN 2126–AC59

Transportation of Fuel for Agricultural Aircraft Operations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends the Federal Motor Carrier Safety Regulations to allow States to waive the hazardous materials (HM) endorsement requirement for holders of Class A commercial driver's licenses (CDL) who transport no more than 1,000 gallons of aviation grade jet fuel in support of seasonal agricultural aircraft operations.

DATES: Effective March 10, 2026. Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than February 9, 2026.

FOR FURTHER INFORMATION CONTACT: Ms. Rebecca Rehberg, Transportation Specialist, CDL Division, Office of Safety Programs, FMCSA; (850) 728–2034; *rebecca.rehberg@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION: FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2024-0121/document* and choose the document to review. To view comments, click this final rule, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations at U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Executive Summary

A. Purpose and Summary of the Regulatory Action

FMCSA amends the CDL regulations to allow States additional flexibility to waive the HM endorsement [1] requirement for certain drivers transporting aviation fuel in furtherance of agricultural aircraft operations.[2] Many farm operations rely on aircraft to apply pesticides or fertilizers to their crops. Agricultural aviation companies often deliver aircraft fuel to staging areas some distance from their headquarters. These companies, particularly in remote, rural areas have difficulty finding CDL holders with HM endorsements to complete these deliveries. Under the current regulations found in 49 CFR 383.93(b)(4), most CDL holders must obtain an HM endorsement before transporting fuels. However, 49 CFR 383.3(i) provides a limited exception to this requirement and allows States to waive the requirement of an HM endorsement if the holder of a Class A CDL is transporting diesel fuel (1) in the CDL holder's State of domicile or in another State that has adopted the waiver and (2) as an employee of four specific agriculture-related businesses. The four business categories are custom harvesters, farm retail outlets and suppliers, agrichemical businesses, and livestock feeders. This final rule gives States authority to waive the HM endorsement requirement in an additional category for Class A CDL holders who transport up to 1,000 gallons of aviation grade jet fuel (often called Jet A, referred to as *jet fuel* for the purposes of this preamble) in the CDL holder's State of domicile (or in another State that has adopted the waiver) and in support of agricultural aircraft operations.

B. Costs and Benefits

This final rule may result in costs to States and their licensing agencies, and may result in cost savings to drivers and to agricultural aircraft operations. States and their State driver's licensing agencies (SDLAs) may incur costs for updating their websites to reflect the changes in requirements for Class A CDL holders transporting HM and for training roadside officers. The final rule will result in cost savings for agricultural aircraft operators and the drivers these operators hire to mix, load, and transport jet fuel in quantities of 1,000 gallons or less in participating States. Class A CDL holders affected by the final rule will avoid approximately $260 in costs associated with obtaining an HM endorsement, and agricultural aircraft operations will be able to run their businesses more efficiently by making use of satellite airstrips. FMCSA does not expect that this final rule will negatively impact commercial motor vehicle (CMV) safety. For various reasons, drivers who transport jet fuel operate in low-risk safety conditions and rarely experience crashes. More in depth discussion of the potential impacts resulting from this rule are found in the regulatory analyses section below.

III. Abbreviations

ARDOT Arkansas Department of Transportation
BLS Bureau of Labor Statistics
CDL Commercial driver's license
CE Categorical exclusion
CFR Code of Federal Regulations
CLP Commercial learner's permit
CMV Commercial motor vehicle
CMVSA Commercial Motor Vehicle Safety Act of 1986
DOT Department of Transportation
FAST Act Fixing America's Surface Transportation Act
FHWA Federal Highway Administration
FMCSA Federal Motor Carrier Safety Administration
FR Federal Register
HM Hazardous materials
IRFA Initial regulatory flexibility analysis
NAAA National Agricultural Aviation Association
NAICS North American Industry Classification System
NATA Nebraska Aviation Trades Association
NEIA Nebraska-Iowa Aviation
NPRM Notice of proposed rulemaking
PHMSA Pipeline and Hazardous Materials Safety Administration
PIA Privacy Impact Assessment
PTA Privacy Threshold Assessment
RFA Regulatory Flexibility Act
SBA Small Business Administration
SDLA State driver's licensing agency
STA Security Threat Assessment
TPR Training Provider Registry
TSA Transportation Security Administration
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

IV. Legal Basis

The CDL regulations are based on the authority of the Commercial Motor Vehicle Safety Act of 1986 (CMVSA). Section 12013 of the CMVSA allowed the Federal Highway Administration (FHWA), FMCSA's predecessor agency, to ''waive, in whole or in part, application of any provision of this title or any regulation issued under this title with respect to class of persons or class of commercial motor vehicles if the Secretary of Transportation determines that such waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles'' (Pub. L. 99–570, Title XII, 100 Stat. 3207–170, 3207–186, Oct. 27, 1986, codified at 49 U.S.C. app. 2711).

On the basis of section 12013, FHWA authorized the States to waive the knowledge and skills tests otherwise required to obtain a CDL for employees

[1] *Endorsement,* as defined in § 383.5, means an authorization to an individual's commercial learner's permit (CLP) or CDL required to permit the individual to operate certain types of commercial motor vehicles (CMVs).

[2] FMCSA notes that the term ''waive'' or ''waiver'' is used throughout this preamble in the ordinary sense of those terms, rather than in the sense of the term ''waiver'' as contemplated by 49 CFR 381.200, which permits only temporary regulatory relief from the specified regulations for up to three months.

of custom harvesters, farm retail outlets and suppliers, agrichemical businesses, and livestock feeders (57 FR 13650, Apr. 17, 1992). CDL applicants in States that exercised this waiver option were required to meet certain conditions, including a prohibition on carrying any placarded quantities of HM, except for diesel fuel in quantities of 1,000 gallons or less (57 FR 13650, 13654). The 1992 CDL waiver option, with the 1,000-gallon restriction on the transportation of diesel fuel, was codified originally as 49 CFR 383.3(f)(3)(v) (61 FR 9546, Mar. 8, 1996).

Following statutory amendments,[3] the language of the CMVSA's section 12013—that a waiver must be ''not contrary to the public interest'' and ''not diminish the safe operation of commercial motor vehicles''—has been replaced by the standard that a waiver or exemption must ''likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved in the absence of the waiver'' (49 U.S.C. 31315(a)) or ''absent such exemption'' (49 U.S.C. 31315d(b)(1)).

Section 7208 of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94, Dec. 4, 2015, 129 Stat. 1312, 1593) allowed the States to waive the requirement that a holder of a Class A CDL obtain the HM endorsement required by 49 CFR 383.93(b)(4), provided the Class A CDL holder is an employee of one of the four categories of business specified in FHWA's 1992 waiver who transports diesel fuel in quantities of 1,000 gallons or less. As thus amended, the State waiver authority is now codified at section 383.3(i).

The 1992 rule required that the State waiver option not diminish the safe operation of CMVs, and all subsequent versions of the statute and regulation have retained that concept. Congress itself embraced that standard when section 7208 was explicitly limited to the same four agriculture-related businesses covered by the 1992 waiver.

Pursuant to 49 U.S.C. 31305(a), which sets forth the general standards for the CDL rules, FMCSA ''shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle.'' Implicit in that provision is the authority to decide whether certain CDL holders may meet the ''fitness'' requirement without complying with every part of the CDL regulations. Exempting employees of agricultural aviation companies who hold Class A CDLs and transport jet fuel from the requirement to obtain an HM endorsement is consistent both with the standard of the CMVSA's section 12013 and with the current equivalent level of safety and ''fitness'' standards enacted by Congress. A waiver granted by a State under this rule, as under section 7208 of the FAST Act, would also exempt eligible drivers from the Transportation Security Administration's (TSA) background records check in 49 CFR part 1572, subpart B.

V. Discussion of Proposed Rulemaking and Comments

A. Proposed Rulemaking

On December 4, 2024, FMCSA published in the **Federal Register** (89 FR 96176) an NPRM titled ''Transportation of Fuel for Agricultural Aircraft Operations.'' The NPRM proposed to amend the CDL regulations to provide States additional flexibility to waive the HM endorsement requirement for certain drivers transporting jet fuel in furtherance of agricultural aircraft operations. FMCSA proposed to give States authority to waive the HM endorsement requirement for Class A CDL holders who transport up to 1,000 gallons of aviation grade jet fuel in the CDL holder's State of domicile (or in another State that has adopted the waiver) and in support of agricultural aircraft operations.

B. Comments and Responses

FMCSA solicited comments concerning the NPRM for 60 days ending February 3, 2025. Sixty-four comments were received from the following parties: Arkansas Agricultural Aviation Association, Arkansas Department of Transportation (ARDOT), Arkansas Trucking Association, National Agricultural Aviation Association (NAAA), Nebraska Aviation Trades Association (NATA), South Dakota Aviation Association, 41 businesses (mainly agricultural aircraft operators), and 14 individuals. A total of 42 commenters fully supported the rule. A group of 20 commenters generally supported the rule but suggested modifications, mainly to expand the applicability of the waiver to other CDL classes. Two commenters opposed the rulemaking.

Support for the Rule

Supportive commenters, including ARDOT, trade associations, and many agricultural aircraft operators stressed that the rulemaking would promote cost efficiency while improving seasonal agricultural operations. Many commenters said that finding and retaining drivers with an HM endorsement for seasonal work, in addition to the claimed shortage in qualified drivers, is especially difficult and costly. Many business owners or agricultural aircraft operators explained that some employers take on the additional cost of training drivers who do not have an HM endorsement. Retention issues were also identified as challenging because drivers often leave for higher-paying jobs, as one commenter explained.[4]

ARDOT noted that waiving the HM endorsement would reduce expenses for the employer, and provide for additional new entrants to the workforce, while still maintaining appropriate regulatory controls.[5] NAAA pointed out that, in addition to the difficulty in finding drivers with an HM endorsement, operations are primarily located in rural areas and are at a considerable distance from SDLAs, let alone fingerprinting facilities. This can make accessing SDLAs offering the HM endorsement especially challenging.[6] Many other commenters agreed that adopting the rule would alleviate the burden of finding drivers for seasonal work, while expanding the pool of applicants would allow operators to serve agricultural communities more efficiently and in a timely manner. The commenters pointed out that, as a result, this would increase crop yields, which would be beneficial to farming communities and the operators who serve them.

Commenters including R&M Spraying Service [7] and the HeliTeam [8] pointed to the similar properties of diesel and jet fuel. As NAAA noted, jet fuel has nearly identical properties to diesel fuel, as diesel engines can—and often do—run

[3] As part of the recodification of Title 49, United States Code (U.S.C.) in 1994, the waiver authority in 49 U.S.C. app. 2711 was redesignated as 49 U.S.C. 31315 (Pub. L. 103–272, 108 Stat. 745, 1029, July 5, 1994), and the Transportation Equity Act for the 21st Century (TEA–21) revised 49 U.S.C. 31315 as ''Waivers, exemptions, and pilot programs'' (Pub. L. 105–178, 112 Stat. 107, 401, June 9, 1998).

[4] The individual's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0027*.

[5] ARDOT's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0025*.

[6] NAAA's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0062*. See also comment from an individual in this docket at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0062*.

[7] R&M Spraying Service's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0064*.

[8] The HeliTeam's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0033*.

on jet fuel, since they are virtually identical in behavior and volatility.[9]

Other commenters who own or operate agricultural aircraft operations added that the waiver, if adopted, would streamline the process for applying products to crops for farmers in a timely manner, benefitting the farming community and reducing costs associated with ferrying aircraft to a fueling location. Specifically, NAAA estimated that 758 agricultural aircraft operations across the United States could utilize this waiver, saving an additional $1,378.08 per day for a single agricultural aircraft.

Suggestions for Modifications

1. Applicability to Other CDL Classes

Approximately one third of commenters, including individuals, agricultural aircraft operations, and trade associations such as NATA, suggested expanding the waiver, mainly to Class B CDL holders. Morgan's Flying Service explained that most agricultural aircraft operations use straight trucks with no trailer or medium duty non-CDL trucks, and that drivers either carry a Class B CDL or a State-designated Class D for non-CDL trucks carrying jet fuel tanks holding less than 100 gallons each.[10] In a subsequent comment, the same commenter suggested extending the waiver to any class of driver for agricultural aircraft operations. Other commenters, such as Brett's Spray Service, JBI Helicopter Services, Lake Air Service, NEIA Aviation (NEIA), and one individual, requested that Class B CDL holders be included in the waiver, as vehicles in that category are the most widely used in support of agricultural aircraft operations.

Hexagon Helicopters, Inc. explained that they operate both Class A and Class B vehicles and suggested broadening the scope of the waiver by changing ''Class A'' as it was proposed to ''properly licensed in the vehicle class.'' The commenter explained that this change would maintain the intent of the waiver without restricting its use to only a portion of the intended drivers and vehicles.[11]

Vincent Flying Service suggested adding to the waiver both Class B CDL drivers and holders of State-designated Class D (or equivalent) licenses operating medium duty loader trucks for support of agricultural aircraft operations. The rationale provided for the suggested change is that most drivers carry either a Class B CDL or Class D license for non-CDL trucks carrying jet fuel tanks holding less than 100 gallons.[12] Similarly, Central Valley Helicopters suggested the waiver would only be beneficial if Classes A, B, and C CDLs were included.[13]

An individual commenter pointed to a potential misinterpretation of the rule, as many commenters thought that other Classes of CDLs would be included in this waiver. The commenter added that many were under the impression that the rule would apply to Class B CDL holders and requested clarification whether the waiver applies to Class B CDL holders as well.[14]

FMCSA Response: This final rule amends the regulations in response to NAAA's petition for a rulemaking to allow States to waive the HM endorsement requirement for CDL holders who transport jet fuel to support seasonal agricultural aircraft operations. The jet fuel waiver is intended to mirror the diesel fuel waiver, as provided by Congress in section 7208 of the FAST Act, which was limited to Class A CDL holders transporting 1,000 gallons or less of diesel fuel. NAAA stated ''It is NAAA's request that section 383.3(i) be further amended to allow for the drivers supporting agricultural aircraft operations holding a CDL also be exempted from a hazardous materials endorsement for the transportation of 1,000 gallons or less of aviation grade kerosene (Jet A) due to its similar chemical makeup as diesel fuel, as well as other factors.'' This final rule amends section 383.3(i) to expand the waiver options.

In the NPRM, FMCSA noted the similarity in chemical composition of jet fuel and diesel fuel, which was an important component of the Agency's safety analysis (89 FR 96180). This factor supports an identical waiver option for the transport of jet fuel with the same required CDL class. FMCSA also noted the high level of knowledge and skills required to obtain a Class A CDL will not be affected by the waiver of the HM endorsement.

As for Class D or similarly designated non-CDLs, FMCSA does not have the authority to issue regulations governing non-CDL categories. Based on these factors, the scope of this rule extends only to Class A CDL holders.

In response to the commenters suggesting that FMCSA expand the waiver to Class B CDL holders and to clarify potential confusion on the applicability of the waiver, FMCSA declines to extend the waiver to Class B CDL holders to maintain parity with the diesel waiver. In addition, extension to Class B CDL holders was not included in NAAA's petition.

2. Additional Suggestions To Modify the Rule

NATA commented in support of the rule, with some additional suggestions for modifications, including increasing the limit of jet fuel that can be transported from 1,000 gallons to 1,500 or 2,000 gallons, provided that proper safety measures were followed. It explained this would reduce the number of trips required to deliver fuel, which would further reduce costs, emissions, and driver shortages.

Second, NATA said that although States can choose whether to adopt the waiver, agricultural aircraft operations frequently cross State lines during the growing season. It requested that FMCSA provide guidance on whether States adopting the waiver will honor waivers granted in other States. NATA stated that clear interstate reciprocity guidelines would prevent regulatory confusion and ensure consistent rule application across State lines, reducing administrative burdens on businesses that operate in multiple jurisdictions.

NATA also pointed out that drivers transporting larger quantities of jet fuel in association with agricultural aircraft operations still require HM endorsements, and that obtaining the endorsement requires background checks and fingerprinting, which can be challenging to accomplish in rural areas where testing locations are scarce. NATA requested that FMCSA explore ways to streamline this process for such drivers, such as mobile testing units in rural areas or an expedited approval process during peak seasons.

Finally, NATA requested that FMCSA consider a broader seasonal waiver for transportation of other types of fuel used in association with agricultural aircraft operations to ensure that all needed fuels can be transported without unnecessary regulatory barriers. NATA explained that agricultural aircraft operations utilize other fuel types (*e.g.,* aviation gasoline (avgas) for piston-engine aircraft) and stated this would

[9] NAAA's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0018.*

[10] Morgan's Flying Service comments can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0014* and *https://www.regulations.gov/comment/FMCSA-2024-0121-0015.*

[11] Hexagon Helicopters' comment can be found in the docket at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0026.*

[12] Vincent Flying Service's comment can be found in the docket at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0043.*

[13] Central Valley Helicopters' comment can be found in the docket at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0050.*

[14] The individual's comment can be found in the docket at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0028.*

reduce operational inefficiencies, enhance safety, and provide greater regulatory flexibility for agricultural aircraft operations.[15]

FMCSA Response: One of NATA's suggestions proposed increasing the limit of jet fuel for transport to 1,500 or 2,000 gallons to minimize the number of trips traveled for refueling. FMCSA declines to make this change as increasing the allowable fuel volume could jeopardize the level of safety, which FMCSA intentionally set to mirror the safety standard of the waiver permitted by the FAST Act.

In addition, FMCSA clarifies that the waiver would impact Class A CDL holders responsible for transporting 1,000 gallons or less of jet fuel, who are employed by agricultural aircraft operations in participating States. Issuing reciprocity guidelines is not appropriate, as the current regulations are clear that drivers transporting jet fuel across State lines into non-participating States are still required to obtain an HM endorsement.

FMCSA understands the unique challenges for conducting fingerprinting and testing in remote or rural areas. While this comment is outside the scope of this rulemaking, FMCSA encourages NATA to work with the appropriate SDLAs to devise adequate solutions to increase the efficiency of testing and fingerprinting.

FMCSA also declines to incorporate avgas for piston-engine aircraft among the fuel types included in this waiver, due to the difference in composition and chemical characteristics as compared to diesel fuel and jet fuel. The waiver finalized in this rule incorporates jet fuel only. However, diesel and jet fuel have similar characteristics and are subject to the same Pipeline and Hazardous Materials Safety Administration (PHMSA) guidance on handling in the initial stages of an HM transportation incident.[16] These similarities allowed FMCSA to conclude that the safety of the waiver for jet fuel is consistent with the equivalent level of safety determination under the FAST Act for diesel fuel.

Opposition to the Rule

1. Safety Concerns Related To Transporting Fuel

An anonymous commenter and the National Tank Truck Carriers, Inc. (NTTC) opposed the rulemaking, raising concerns about the safety of exempting Class A CDL drivers from the HM endorsement when transporting up to 1,000 gallons of jet fuel. NTTC expressed concern that unscreened and undertrained drivers transporting jet fuel would pose safety concerns, while the anonymous commenter argued that transporting such a quantity of fuel can be dangerous and potentially damaging, implying the waiver from the HM endorsement would decrease roadway safety. The commenter added that the HM endorsement requirement should be retained for safety purposes.[17]

FMCSA Response: FMCSA expects the waiver option from the HM endorsement will not diminish the safe operation of CMVs, in part because training and testing are still required under 49 CFR parts 172 and 177 for drivers transporting jet fuel. Parts 172 and 177 are within chapter I, subchapter C of PHMSA's regulations and outline HM placarding requirements (part 172, subpart F) and driver training. Under sections 172.700, 172.704, and 177.816, operators of vehicles used to transport HM must undergo employer-provided training so they have familiarity with applicable HM regulations (49 CFR parts 171–177); are able to recognize and identify HM; and have knowledge of emergency response information, self-protection measures, and accident prevention methods and procedures. Also, under section 172.702, operators of vehicles used to transport HM must be tested on these subjects. The testing and training requirements under PHMSA's regulations are distinct from the testing and training requirements for CDLs and HM endorsements under part 383 and are not affected by this rulemaking. Furthermore, non-participating States would still require an HM endorsement for drivers crossing State lines.

FMCSA notes that allowing States to waive the HM endorsement requirement does not constitute a waiver from all the other HM safety regulations outlined in 49 CFR parts 100 through 180.

2. Security Concerns Related To Vetting Drivers

NTTC raised concerns about the relaxed requirements that would result from this rule, specifically regarding the security checks TSA performs to assess an individual's security risk as part of the Security Threat Assessment (STA) program. The commenter added that the thoroughness and extensiveness of the screening assessment, which checks for multiple types of criminal convictions, violations, and offenses through multiple watchlists and databases, ensures that individuals transporting HMs have been thoroughly vetted. Furthermore, NTTC stated that FMCSA's proposal is not satisfactory to communities within the NTTC group, which include the Safety Security Council, Workforce Committee, and Energy Services Committee. NTTC added that the rule will result in allowing drivers with inadequate levels of experience and training to transport jet fuel and expressed concern about the environmental risks posed by fuel spills, regardless of the quantity being hauled.

Finally, NTTC expressed concerns about the possibility that fuel racks will not authorize non-HM credentialed drivers to enter their facility to load.[18]

FMCSA Response: FMCSA does not believe waiving the HM endorsement will negatively impact safety. The diesel fuel waiver option, already codified in section 383.3(i), allows drivers to transport a limited quantity of HM under certain conditions without an HM endorsement. The diesel fuel waiver has been in place for over 30 years without a negative impact on safety. Because jet fuel has a similar chemical composition to diesel and the conditions under this rule for transporting jet fuel without an HM endorsement are identical to those for transporting diesel without an HM endorsement, a jet fuel waiver option is expected to maintain an equivalent level of safety.

In addition, drivers covered by this waiver must have and maintain Class A CDLs. As such, they are subject to the driver disqualification and penalty rules in subpart D of part 383 and the drug and alcohol testing requirements in part 382.

FMCSA disagrees that allowing a waiver for the HM endorsement for jet fuel would increase environmental risks posed by fuel spills because the waiver is limited to a specific quantity of fuel. In addition, the quantities of jet fuel hauled in support of agricultural aircraft operations are typically vastly less than the 1,000-gallon limit established by this rule. Those operations typically occur using smaller trucks operating out of smaller, rural, airports.

[15] NATA's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0074.*

[16] See PHMSA's 2024 Emergency Response Guidebook, available at *https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2024-04/ERG2024-Eng-Web-a.pdf.* The guidebook (at pp. 107 and 113) references the same recommended emergency response guidance (Guide No. 128) for both ''Diesel fuel'' (ID Nos. UN1202 and NA1993) and ''Fuel, aviation, turbine engine'' (ID No. UN1863).

[17] The comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0060.*

[18] NTTC's comment can be found in the docket for this rulemaking at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0063.*

Finally, NTTC mentioned fuel racks might not authorize non-HM credentialed drivers to access their loading facilities. A fuel rack, as a private wholesale distribution facility for fuel products, can establish its own entry requirements, such as requiring a CDL with an HM endorsement. However, agricultural aircraft operation drivers who qualify for the waiver may have alternative options for obtaining jet fuel, such as loading from a storage tank owned by their company rather than relying on a fuel rack.

Out of Scope Comments

1. Inclusion of a New Definition

FMCSA received a comment from NEIA requesting the addition of a definition for *agricultural aviation* because it is a unique type of business that operates seasonally.[19]

FMCSA Response: FMCSA disagrees that a definition of *agricultural aviation* should be added because the current language in the regulations is not ambiguous. FMCSA declines to make modifications based on the commenter's suggestion because this comment concerns a topic that is beyond the scope of the rulemaking.

2. 14 CFR Parts 133 and 137

Two commenters requested that all types of aviation operators under parts 133 and 137, which cover rotorcraft external-load operations and agricultural aircraft operations, also be eligible for this waiver. One of the commenters added that suspended load operations that are not covered under a part 137 certificate should be included in the HM endorsement waiver, as well.

FMCSA Response: FMCSA does not have authority to adopt the proposed changes in this rulemaking because they do not address the licensing of CMV drivers.

VI. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries in which they operate, unless an international agreement states otherwise. Drivers and carriers should be aware of the regulatory differences between nations.

VII. Section-by-Section Analysis

This section-by-section analysis describes the changes in numerical order. Part 383 ''Applicability'' will be amended in five locations. Paragraph (i) of section 383.3 will be amended to add ''or jet fuel'' to the commodities States may exempt from the subpart H CDL requirement. Paragraph (i)(1) will be amended by adding ''agriculture aviation operation'' to the list of industries to which the hazardous material endorsement waiver applies. Paragraph (i)(2)(i) will be amended to add operators of vehicles transporting jet fuel in a quantity of 1,000 or less gallons to the conditions of the hazardous material waiver. Paragraph (i)(2)(ii) will be revised to make clear to readers that jet fuel or diesel fuel transported under this hazardous material endorsement waiver must be clearly placarded in accordance with Part 172 subpart F and all other applicable hazardous materials regulations.

Finally, section 383.5 ''Definitions'' will be amended to add a definition for *jet fuel.* The definition includes all classes of fuel, aviation, turbine engine as listed in the Hazardous Materials Table in 49 CFR 172.101, including Jet A, that are reclassed as a combustible liquid in accordance with 49 CFR part 173.

VIII. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Order 2100.6B, Policies and Procedures for Rulemakings.[20] The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under Section 3(f) of E.O. 12866 and has not reviewed it under that E.O.

This final rule will amend the CDL regulations to allow States additional flexibility to waive the HM endorsement requirement for holders of a Class A CDL that are transporting aviation fuel in quantities of 1,000 gallons or less in service of agricultural aircraft operations. Under the current regulations, drivers working for agricultural aircraft operators must obtain an HM endorsement, which requires completing training and testing requirements, and passing a TSA background check. This final rule will allow flexibility for a limited population of drivers that operate within their State of domicile and contiguous States that have adopted the same waiver, while providing services to agricultural aircraft operations.

This final rule is voluntary in nature and does not require that States adopt any flexibilities contained herein. This final rule could impact States, SDLAs, agricultural aircraft operators, and drivers. The analysis below discusses these affected entities, the need for the regulation, and the costs and benefits that may result from the final rule.

Affected Entities

States

States could be impacted by this final rule, however, FMCSA does not know how many States will opt to waive the HM endorsement for agricultural aviation businesses and their drivers under this final rule. In response to Section 7208 of the FAST Act, 16 of 50 States chose to grant the waiver for diesel fuel, which is similar to the jet fuel waiver specified in this final rule. FMCSA assumes that there will be a similar level of adoption for this final rule, and that the majority of participating States will be those with agriculture-dependent economies.

SDLAs

This final rule will impact SDLAs in States that choose to waive the requirement for HM endorsements for Class A CDL holders employed by agricultural aircraft operators transporting 1,000 gallons or less of jet fuel. SDLAs are responsible for administering CDLs and endorsements for the motor carrier driver population. SDLAs in participating States will need to become familiar with these new requirements and update information on requirements for CDL holders.

Drivers

This final rule will impact Class A CDL holders that are employed by agricultural aircraft operations in participating States and are responsible for transporting jet fuel in quantities of 1,000 gallons or less. Drivers serve as ''mixer-loaders'' for crop protection products and load agricultural aircrafts with these products and fuel. Drivers pump fuel from fixed base tanks into the fuel truck and then transport it to the satellite airstrip to load into agricultural aircraft. Under this final rule, drivers operating CMVs will still need to hold a Class A CDL since this final rule will only allow States to waive the HM endorsement requirement. These drivers will still be required to obtain an HM endorsement when transporting jet fuel across State lines to a State that has not adopted the waiver.

FMCSA anticipates that any impacted drivers will work in the same NAICS industry as agricultural aircraft operators; 11511—support activities for

[19] NEIA's comment can be found in the docket at: *https://www.regulations.gov/comment/FMCSA-2024-0121-0031.*

[20] DOT Order 2100.6B is *available at https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings.*

crop production. As of May 2023, BLS reports that there are 5,430 heavy tractor-trailer drivers working in the 1151 industry.[21] The 1151 industry is broader than agricultural aircraft operations, and as such drivers impacted by this rule will be a subset of the 5,430 within this industry. FMCSA did not receive specific comments on the number of affected drivers. However, the NAAA commented that an agricultural aircraft operation might want to have two supply trucks for a single aircraft operation, and five supply trucks to support three aircraft. Therefore, every impacted agricultural aircraft operation might have two to three drivers total, but it is not clear that all their drivers would have Class A CDLs. As stated by several commenters, many drivers in this industry have a Class B CDL and will therefore not be subject to the waiver provided in this final rule.

Agricultural Aircraft Operations

According to the NAAA, there are approximately 1,560 agricultural aviation businesses and 3,400 agricultural pilots (approximately 2,000 are hired pilots and 1,400 are owner/operators) operating in the United States.[22] NAAA provided further comment to the NPRM explaining that of the 1,560 agricultural aircraft operations in the United States, 748 operate in States that currently grant the HM waiver for diesel fuel. This would be an upper-bound estimate as some of these entities only operate out of a single airport and would not make use of an HM waiver for jet fuel. FMCSA does not know how many agricultural aircraft operations will be impacted by this rule.

Need for the Regulation

Both fueling and mixing and loading of crop-protection products (*e.g.,* fertilizers, insecticides, fungicides, or herbicides) are normally conducted at a location where agricultural aircraft operations have permanent fuel tanks and mixing and loading facilities. Sometimes, however, operators and pilots work so far from their permanent facility that it is cost-effective to use a satellite landing strip and an on-site fuel truck. When on-site fuel trucks or drivers are not available, pilots must fly agricultural aircraft back to their permanent mixing and loading facilities, which limits the amount of land pilots can spray on a given day and increases fuel costs, leading to reduced revenue for agricultural aircraft operations and decreased crop yields for the acreage that was not accessible by agricultural aircraft.

Agricultural aircraft operations face a need for qualified drivers because a Class A CDL with an HM endorsement is a marketable asset, and these drivers are likely to find consistent, non-seasonal work. Furthermore, these businesses tend to operate in remote, rural areas that may be hundreds of miles away from the nearest SDLA, making it more difficult for drivers to obtain the HM endorsement. These factors limit agricultural aviation businesses from meeting their workforce needs.

Costs and Benefits

Costs

This final rule could result in costs to States and their licensing agencies, and may result in cost savings to drivers and to agricultural aircraft operations.

Under this final rule, States and their SDLAs may incur costs. SDLAs in participating States may need to update their websites to reflect the changes in requirements for Class A CDL holders transporting HM. Also, roadside officers in participating States would need to undergo training to be able to determine which drivers are operating under the waiver. FMCSA anticipates that participating States would update their biannual training to include a module on any changes to the CDL regulations and model any changes resulting from this rule after the training for the diesel fuel waiver. Because this training is ongoing, FMCSA anticipates that any additional costs related to this change would be de minimis. FMCSA does not have data with which to estimate these potential State and SDLA costs.

The final rule will result in cost savings for agricultural aircraft operations and the drivers these operations hire to mix, load, and transport jet fuel in quantities of 1,000 gallons or less in participating States. Under the final rule, Class A CDL holders will not need to undergo the four-step process of obtaining an HM endorsement: completing a theory training module, passing a written exam, passing a TSA STA, and paying an SDLA fee, if applicable. As outlined below, the total cost per driver to obtain an HM endorsement is approximately $260.

Drivers must take theory training from training providers listed on the FMCSA Training Provider Registry (TPR). FMCSA anticipates that drivers impacted by this rule will opt to take online theory training because they live in remote areas. There are over 1,000 providers listed on the TPR that provide online HM endorsement training. FMCSA took a random sample of approximately 180 providers and researched websites to develop estimates of training cost and time. Based on those websites that provided information, FMCSA found that the theory training cost ranges from $16 to $200, with an average cost of $96 and a median cost of $99. These trainings tend to be self-paced, so few companies advertise the average length of time to complete the training. From those companies that provided information, the time ranges from 1 hour to 16 hours, with an average of 5 and a median of 2 hours. For estimation purposes, FMCSA anticipates that drivers impacted by this rule will save a $99 theory training fee and 2 hours of training, valued at $61.50. The value of opportunity cost of training time is calculated at the rate at which drivers would accept in exchange for it, $30.75 per hour ($20.75 median hourly wage × 48.19 percent fringe benefit rate).[23 24]

Drivers seeking an HM endorsement must complete a background investigation through the TSA HM Endorsement Threat Assessment Program online application, visiting an application center, and paying a non-refundable fee of $85.25.[25] This process must be completed every 5 years to maintain the HM endorsement. Drivers operating under the waiver will not be required to complete this process.

Lastly, Class A CDL holders operating under the waiver will not need to return to the SDLA to obtain an HM endorsement and will not be required to pay the associated SDLA fee. The SDLA HM endorsement fee changes by jurisdiction, ranging from $0 to over $40. For illustrative purposes, FMCSA estimates the average SDLA fee to be $14. As displayed in the table below,

[21] Bureau of Labor Statistics (BLS), date extracted: July 11, 2024.

[22] *https://www.agaviation.org/about/about-ag-aviation/industry-facts-faqs/.*(accessed Jul. 16, 2025).

[23] Department of Labor (DOL), BLS, *Occupational Employment Statistics (OES)* (May 2023). Median hourly wage for Heavy and Tractor-Trailer truck drivers in the 115110 occupation is $20.75. Available at: *http://www.bls.gov/oes/tables.htm* (accessed July 11, 2024).

[24] DOL, BLS, *Employer Cost for Employee Compensation for Transportation and Warehousing, Table 4: Table 4: Employer Costs for Employee Compensation for private industry workers by occupational and industry group,* (Mar. 17, 2023), available at: *https://www.bls.gov/news.release/pdf/ecec.pdf* (accessed Apr. 22, 2024).

[25] The requirements associated with obtaining a HM endorsement are outlined in 49 CFR 1572, subpart E, which can be found at: *https://www.ecfr.gov/current/title-49/subtitle-B/chapter-XII/subchapter-D/part-1572.*

the total per driver cost to obtain an HM endorsement is approximately $260.

TABLE 1—COSTS TO OBTAIN HM ENDORSEMENT

Component	Value
Theory Training Fee	$99.00
Driver Opportunity Cost of Training	61.50
TSA Background Fee	85.25
SDLA HM Endorsement Fee	14.00
Total Cost Savings for each Class A CDL Holder	260.00

FMCSA does not expect this final rule to immediately impact drivers who currently hold a Class A CDL and HM endorsement. The final rule could impact these drivers at the time of renewal by eliminating the fees for the HM endorsement.

These estimates do not include the costs associated with traveling to a TSA appointment center for the STA or traveling to the SDLA to take an HM knowledge test or obtain the HM endorsement. In rural areas where agricultural aircraft operations are based, an SDLA may be several hundred miles away. FMCSA does not have data on how far drivers must travel to a TSA appointment center or an SDLA to obtain an HM endorsement.

Agricultural aircraft operations could gain efficiencies from this final rule because pilots working for operators in participating States would not need to expend time and fuel to travel back to their home bases to refuel. Instead, they would rely on CMV drivers with Class A CDLs to transport jet fuel and crop protection products from permanent facilities, that are often far from the agricultural fields, to satellite airstrips. According to an NAAA survey from 2005, operators shared that in many cases they could not work because drivers were not available. The NAAA maintains that a shortage of available drivers with HM endorsements prevents the use of satellite airstrips, limiting the amount of land that can be sprayed on a given day and resulting in increased jet fuel costs of over $1,300 per day. In its comment to the NPRM, NAAA stated that an operation able to make use of satellite airstrips would be able to complete 20 additional loads per day, a 50 percent increase relative to when a satellite airstrip is unavailable. This increase in loads would allow for more efficient crop spraying, lower fuel costs, and increase the ability to reach fields that would not be accessible otherwise. Even so, FMCSA does not have the data to accurately quantify the aggregate impact of this provision. Agricultural aircraft operations vary based on the season, the current weather conditions, and the specific crop requiring service. As such, FMCSA cannot estimate the cost savings that could result from this provision.

Benefits

FMCSA does not expect this final rule will negatively impact CMV safety. For various reasons, drivers who transport jet fuel operate in low-risk safety conditions and rarely experience crashes. According to the aforementioned survey from 2005 cited in the NAAA's initial petition for rulemaking, 95.3 percent of agricultural aircraft operations had never been involved in any type of accident and 92.9 percent travel on rural roads with minimal traffic. The NAAA also noted in this survey that drivers transporting fuel and chemicals travel an average of 57.81 miles per day although they only drive once or twice a week to a satellite facility. Furthermore, the NAAA provides highway safety education for a large portion of the small business owners of agricultural aircraft operations throughout the country through its Professional Agricultural Aviation Support System.

Some commenters provided information on the non-safety benefits that could be realized as a result of this final rule, many of them highlighting the increase in crop yields that result from aerial application. NATA commented that ''aerial application directly contributes to higher crop yields, benefits not just Nebraska farmers but also the entire agricultural supply chain, from grain processors to livestock feeders.'' NAAA further commented that ''the value in additional crop yield that the aerial application industry brings to farmers, input suppliers, processors, and agricultural transportation and storage industries for corn, wheat, cotton, soybean, and rice production in the U.S. is estimated to be about $37 billion.'' FMCSA does not have the tools or information to measure the potential increase in crop yields or its impact on the economy that could result from this rule, but notes that any additional increase in crop yield would be beneficial.

FMCSA has not identified any other positive or negative benefits to society that would result from the proposed change to section 383.3(i).

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, January 31, 2025), Unleashing Prosperity Through Deregulation, requires that for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.'' [26]

Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.[27]

An E.O. 14192 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This rulemaking is expected to have total costs less than zero, and therefore is considered an E.O. 14192 deregulatory action. As explained in the E.O. 12866 analysis section, the cost savings of this rulemaking could not be quantified.

C. Congressional Review Act

This rule is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).'' [28]

[26] Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation,* 90 FR 9065–9067 (Feb. 6, 2025).

[27] Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation,''* Memorandum M–25–20 (Mar. 26, 2025).

[28] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises

Continued

D. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[29] requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and 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(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

FMCSA has prepared a final regulatory flexibility analysis discussing the impact of this final rule on small entities and addresses each component below.

(1) A statement of the need for, and objectives of, the rule.

FMCSA amends the CDL regulations to provide States additional flexibility to waive the HM endorsement [30] requirement for certain drivers transporting 1,000 gallons or less of jet fuel in furtherance of agricultural aircraft operations. Agricultural aviation companies often deliver aircraft fuel to staging areas some distance from their headquarters. These companies, particularly in remote, rural areas, have difficulty finding CDL holders with HM endorsements to complete these deliveries. This final rule gives States authority to waive the HM endorsement requirement for Class A CDL holders who transport up to 1,000 gallons of jet fuel in the CDL holder's State of domicile (or in another State that has adopted the waiver) and in support of agricultural aircraft operations.

(2) A statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis (IRFA), a statement of the assessment of the Agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments.

FMCSA reviewed the comments submitted in response the NPRM and discusses them in the preamble to this rule. There were no comments submitted in response to the IRFA.

(3) The response of the Agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rules as a result of the comments.

The Office of Advocacy did not issue comments in response to the proposed rule.

(4) A description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available.

This rule could affect drivers, agricultural aircraft operations, and State governments. Drivers are not considered small entities because they do not meet the definition of a small entity in section 601 of the RFA. Specifically, drivers are considered neither a small business under section 601(3) of the RFA, nor are they considered a small organization under section 601(4) of the RFA. State governments do not meet the definition of a small entity because they are governmental jurisdictions with populations greater than 50,000.

Section 601(3) of the RFA defines a *small business* as having the same meaning as *small business concern* under section 3 of the Small Business Act. This includes any firm that is "independently owned and operated" and is "not dominant in its field of operation." The SBA has developed size standards used to classify entities as small, establishing separate standards for each industry, as defined by the North American Industry Classification System (NAICS). In the NPRM, FMCSA estimated that the impacted entities would fall within NAICS industry 11511 (Support activities for crop production). More specifically, in the NAICS national industry, 115112 (Soil preparation, planting, and cultivating), which has an SBA size standard based on annual revenue of $9.5 million.

The 2022 Economic Census provides summary statistics for industries, including the number of firms, value of revenue, and number of employees. From this data, FMCSA estimated that the average revenue per firm is $1.9 million per year, well under the SBA size standard of $9.5 million. The Census data estimates that there are 3,181 firms in this national industry. FMCSA anticipates that this rule would impact less than 748, or 24 percent, of all firms.

(5) A description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.

There are no projected reporting, recordkeeping, or other compliance requirements in this rulemaking. It provides States authority to waive the HM endorsement requirement for Class A CDL holders who transport up to 1,000 gallons of aviation grade jet fuel in the CDL holders' State of domicile (or in another State that has adopted the waiver).

(6) A description of the steps the Agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each of the other significant alternatives to the rule considered by the Agency which affect the impact on small entities was rejected.

FMCSA anticipates that this final rule would result in cost savings to the impacted entities. While the cost savings for impacted agricultural aircraft operations is not quantified, it is possible that they will exceed one percent of revenue for small entities. FMCSA did not consider alternatives to minimize the economic impact on small entities. Many commenters requested, and FMCSA considered, the possibility of extending the flexibility provided in the rule to Class B CDL holders. Ultimately, FMCSA decided against this alternative because the final rule amends the regulations in response to NAAA's petition for rulemaking, and is intended to mirror the diesel fuel waiver, as provided by Congress in section 7208 of the FAST Act, which was limited to Class A CDL holders transporting 1,000 gallons or less of diesel fuel.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

Small businesses may send comments on the actions of Federal employees

to compete with foreign-based enterprises in domestic and export markets (5 U.S.C. 802(4)).

[29] Public Law 104–121, 110 Stat. 857, (Mar. 29, 1996).

[30] *Endorsement* as defined in section 383.5 means an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of CMVs.

who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA, 2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any one year. Though this final rule would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rule elsewhere in this preamble.

G. Paperwork Reduction Act

This final rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

H. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''substantial direct effects 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.''

FMCSA has determined that this rule will not have substantial direct costs on or for States, nor will it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,[31] requires agencies to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[32] requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA was adjudicated by DOT's Chief Privacy Officer on July 8, 2025.

J. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

K. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,[33] Subpart B, paragraph e(6)(t)(2). The categorical exclusion (CE) in paragraph (e)(6)(t)(2) covers requirements ensuring that States have the appropriate regulations concerning the qualification and licensing of persons who apply for, and are issued, a CDL. The proposed requirements in this rule are covered by this CE.

[31] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[32] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

[33] Available at *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

List of Subjects in 49 CFR Part 383

Administrative practice and procedure, Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Penalties, Safety, Transportation.

Accordingly, FMCSA amends 49 CFR chapter III, part 383 as follows:

PART 383—COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES

■ 1. The authority citation for part 383 is revised to read as follows:

Authority: 49 U.S.C. 521, 31136, 31301, *et seq.,* and 31502; secs. 214 and 215 of Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 1012(b) of Pub. L. 107–56, 115 Stat. 272, 397, sec. 4140 of Pub. L. 109–59, 119 Stat. 1144, 1746; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; secs. 5401 and 7208, Pub. L. 114–94, 129 Stat. 1312, 1546, 1593 (49 U.S.C. 31305(d)), sec. 23019 of Pub. L. 117–58, 135 Stat. 429, 777; and 49 CFR 1.87.

Subpart A—General

■ 2. Amend § 383.3 by revising paragraph (i) to read as follows:

§ 383.3 Applicability.

* * * * *

(i) *Hazardous materials endorsement exemption for certain drivers transporting diesel or jet fuel.* A State may waive the requirement for a holder of a Class A commercial driver's license to obtain a hazardous materials endorsement under this part, if the license holder is:

(1) Acting within the scope of the license holder's employment, and within the State of domicile (or another State with a hazardous materials endorsement exemption) as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, livestock feeder, or agricultural aviation operation; and

(2) Operating a service vehicle that is:

(i) Transporting diesel or jet fuel in a quantity of 3,785 liters (1,000 gallons) or less; and

(ii) Clearly placarded in accordance with 49 CFR part 172 subpart F.

■ 3. Amend § 383.5 by adding in alphabetical order the definition for *Jet fuel* to read as follows:

§ 383.5 Definitions.

* * * * *

Jet fuel means ''fuel, aviation, turbine engine'' as listed in the Hazardous

Materials Table in 49 CFR 172.101 that is reclassed as a combustible liquid in accordance with 49 CFR part 173.

* * * * *

Issued under authority delegated in 49 CFR 1.87.

Derek Barrs,

Administrator.

[FR Doc. 2026–00269 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register

Vol. 91, No. 6

Friday, January 9, 2026

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0008; Project Identifier MCAI–2025–01103–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model H160–B helicopters. This proposed AD was prompted by a report of a leak on a gas cylinder within the emergency life raft system (ELRS) container assembly due to geometrical gaps between the burst disk and the valve body. This proposed AD would require replacing the ELRS container assembly. This proposed AD would prohibit installing an affected ELRS container assembly unless certain requirements are met. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by February 23, 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 *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 *regulations.gov* under Docket No. FAA–2026–0008; 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 NPRM, 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 proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Matthew Williams, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4134; email: *matthew.t.williams@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under **ADDRESSES**. Include ‘‘Docket No. FAA–2026–0008; Project Identifier MCAI–2025–01103–R’’ at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ‘‘PROPIN.’’ The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Matthew Williams, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, issued EASA AD 2025–0130, dated June 4, 2025 (EASA AD 2025–0130), to correct an unsafe condition on Airbus Helicopters Model H160–B helicopters. EASA AD 2025–0130 states that an occurrence was reported of a leak on a gas cylinder within the ELRS container assembly. Subsequent investigation revealed that this leakage was due to geometrical gaps between the burst disk and the valve body. This condition, if not addressed, could result in the failure of the release of the life rafts during an emergency landing on water and consequently prevent a timely egress from the helicopter, which could result in injury to helicopter occupants.

EASA AD 2025–0130 specified procedures for replacement of an affected ELRS container assembly and prohibited the installation of affected ELRS container assembly unless certain requirements are met. EASA then revised EASA AD 2025–0130 and issued EASA AD 2025–0130R1, dated June 16, 2025 (EASA AD 2025–0130R1) (also referred to as the MCAI) to specify that the amendment A or higher identification in the definition of affected ELRS container assembly relates to a gas cylinder and not to the ELRS container assembly part number.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0008.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2025–0130R1, which specifies procedures to replace the ELRS container assembly having Airbus left-hand part number (P/N) U256A80A1005 or right-hand P/N U256A80A1006 with a serviceable ELRS container assembly and sending an affected ELRS container assembly to a Safran Aerosystems repair facility for further corrective actions. EASA AD 2025–0130R1 also prohibits installing an affected ELRS container assembly on any helicopter unless certain requirements are met. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the ADDRESSES section.

FAA's Determination

These products have been approved by the civil aviation authority (CAA) of another country and are approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, that authority has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2025–0130R1, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between this Proposed AD and the MCAI'' for a discussion of the general differences included in this AD.

Differences Between This Proposed AD and the MCAI

The MCAI specifies sending the affected ELRS container assembly to a Safran Aerosystems repair facility, whereas this proposed AD would allow sending the affected ELRS container assembly to a Safran Aerosystems repair facility or an FAA-approved repair facility.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some CAA ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2025–0130R1 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0130R1 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2025–0130R1 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2025–0130R1. Material required by EASA AD 2025–0130R1 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0008 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect nine helicopters of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace ELRS container assembly.	2 work-hours × $85 per hour = $170.	no definitive data on cost of affected part or shipment of part.	$170	$1,530

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have 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.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Airbus Helicopters: Docket No. FAA–2026–0008; Project Identifier MCAI–2025–01103–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 23, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model H160–B helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2564, Life Raft.

(e) Unsafe Condition

This AD was prompted by a report of a leak on a gas cylinder within the emergency life raft system (ELRS) container assembly due to geometrical gaps between the burst disk and the valve body. The FAA is issuing this AD to address the leakage of the gas cylinder within the ELRS container assembly. The unsafe condition, if not addressed, could result in the failure of the release of the life rafts during an emergency landing on water and consequently prevent a timely egress from the helicopter, which could result in injury to helicopter occupants.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2025–0130R1, dated June 16, 2025 (EASA AD 2025–0130R1).

(h) Exceptions to EASA AD 2025–0130R1

(1) Where EASA AD 2025–0130R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2025–0130R1 refers to flight hours (FH), this AD requires using hours time-in-service.

(3) Where the material referenced in EASA AD 2025–0130R1 specifies to send the affected ELRS container assembly to a Safran Aerosystems repair facility, this AD allows operators to send the affected ELRS container assembly to Safran Aerosystems repair facility or an FAA-approved repair facility.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0130R1.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0130R1 specifies to submit certain information to the manufacturer, this AD does not require this action.

(j) Special Flight Permit

Special flight permits may be issued in accordance with 14 CFR 21.197 and 21.199, provided there are no flights over water.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD and email to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Additional Information

For more information about this AD, contact Matthew Williams, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4134; email: *matthew.t.williams@faa.gov.*

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0130R1, dated June 16, 2025.

(ii) [Reserved]

(3) For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

Issued on January 7, 2026.

Steven W. Thompson,

Acting Deputy Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2026–00247 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0540; Project Identifier AD–2025–01167–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes. This proposed AD was prompted by reports from multiple operators of pitch oscillations events due to excessive horizontal stabilizer freeplay. This proposed AD would require measuring the freeplay of the horizontal stabilizer pivot hinges and the jackscrew, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by February 23, 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 *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 *regulations.gov* under Docket No. FAA–2025–0540; 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 NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

• 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 *regulations.gov* under Docket No. FAA–2025–0540.

FOR FURTHER INFORMATION CONTACT: Raymond Vital, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3521; email: *Raymond.J.Vital@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–0540; Project Identifier AD–2025–01167–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Raymond Vital, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3521; email: *Raymond.J.Vital@faa.gov.* Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received reports from multiple operators of pitch oscillations events due to excessive horizontal stabilizer freeplay. Currently, there is no inspection requirement in place to address the wear of the left and right horizontal stabilizer pivot hinges and jackscrew. This condition, if not addressed, could cause excessive horizontal stabilizer freeplay which could lead to a flutter event, which can result in loss of control of the airplane.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025. This material specifies procedures for measuring freeplay of the left and right horizontal stabilizer pivot hinges and the jackscrew to determine freeplay value, and applicable on-condition actions. On-condition actions include determining total horizontal stabilizer freeplay, repeating the freeplay measurement procedure of the horizontal stabilizer pivot hinges and the jackscrew, and replacement or repair of any worn parts. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2025–0540.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,987 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Freeplay Measurement Procedure	6 work-hours × $85 per hour = $510	$0	$510	$1,013,370

The FAA estimates the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. The agency has no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repeat Freeplay Measurement Procedure	6 work-hours × $85 per hour = $510	$0	$510
Replacement or Repair of Worn Parts	1 work-hour × $85 per hour = $85	(*)	85

* The FAA has received no definitive data on which to base the cost estimates for the parts for the replacement or repairs specified in this proposed AD.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have 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.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Would not affect intrastate aviation in Alaska, and

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

The Boeing Company: Docket No. FAA–2025–0540; Project Identifier AD–2025–01167–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 23, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by reports from multiple operators of pitch oscillations events due to excessive horizontal stabilizer freeplay. The FAA is issuing this AD to address excessive horizontal stabilizer freeplay. The unsafe condition, if not addressed, could lead to a flutter event, which can result in loss of control of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–55A1104, dated June 12, 2025, which is referred to in Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025.

(h) Exception to Requirements Bulletin Specifications

Where the ''Effectivity'' paragraph and the Boeing Recommended Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025, refer to the original issue date of the Requirements Bulletin 737–55A1104 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD. Information may be emailed to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

For more information about this AD, contact Raymond Vital, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3521; email: *Raymond.J.Vital@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the material listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this material as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Alert Requirements Bulletin 737–55A1104 RB, dated June 12, 2025.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

(4) 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.

(5) You may view this material at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.*

Issued on January 5, 2026.

Peter A. White,

Deputy Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2026–00299 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[REG–112829–25]

RIN 1545–BR80

Backup Withholding on Third Party Network Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the regulations governing backup withholding. The proposed regulations reflect recent changes to the statutory law. These changes will affect third party settlement organizations who make payments in settlement of third party network transactions.

DATES: Electronic or written comments and requests for a public hearing must be received by March 10, 2026.

ADDRESSES: Commenters are strongly encouraged to submit public comments electronically. Submit electronic submissions via the Federal eRulemaking Portal at *https://www.regulations.gov* (indicate IRS and REG–112829–25) by following the online instructions for submitting comments. Requests for a public hearing must be submitted as prescribed in the ''Comments and Requests for a Public Hearing'' section. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn. The Department of the Treasury (Treasury Department) and the IRS will publish for public availability any comment submitted to the IRS's public docket. Send paper submissions to: CC:PA:01:PR (REG–112829–25), Room 5503, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Casey Conrad at (202) 317–6844 (not toll-free number); concerning submission of comments or requests for a hearing, the Publications and Regulations Section at (202) 317–6901 (not toll-free number) or by email at *publichearings@irs.gov* (preferred).

SUPPLEMENTARY INFORMATION:

Authority

This document contains proposed amendments to the Employment Taxes and Collection of Income Tax at the Source Regulations (26 CFR part 31) under section 3406 of the Internal Revenue Code (Code). The proposed regulations are issued under the authority conferred by section 3406(i), which provides the Secretary of the Treasury or the Secretary's delegate (Secretary) with authority to ''prescribe such regulations as may be necessary or appropriate to carry out the purposes of [section 3406].''

The proposed regulations are also issued pursuant to section 7805(a) of the Code, which authorizes the Secretary to ''prescribe all needful rules and regulations for the enforcement of [the Code], including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.''

Background

This document contains proposed amendments to regulations impacted by amendments to sections 6050W and 3406 of the Code made by section 70432 of Public Law 119–21, 139 Stat. 72 (July 4, 2025), commonly known as the One, Big, Beautiful Bill Act (OBBBA).

I. Section 6050W

Section 6050W requires payment settlement entities, including merchant acquiring entities and third party settlement organizations (TPSOs), to report certain payments made to participating payees for reportable payment transactions. Section 6050W(b) requires TPSOs to file information returns reporting the gross amounts of reportable payments made in settlement of third party network transactions. As originally enacted by the Housing Assistance Tax Act of 2008, Public Law 110–289, 122 Stat. 2908 (July 30, 2008), section 6050W required TPSOs to file information returns if payments to a payee exceeded $20,000 and 200 transactions in a calendar year. In 2021, the American Rescue Plan Act of 2021 (ARPA), Public Law 117–2, 135 Stat. 4 (March 11, 2021), amended section 6050W(e) to lower the TPSO reporting threshold, requiring reporting by TPSOs when payments to a payee exceeded $600 in a calendar year, without regard to the number of transactions. OBBBA section 70432(a) retroactively reverted the reporting threshold to the pre-ARPA level, requiring reporting by a TPSO when payments to a payee exceed $20,000 and 200 transactions in a calendar year. OBBBA section 70432(a)(2) provides that this change ''shall take effect as if included in section 9674 of the American Rescue Plan Act.'' These payments are reported on a Form 1099–K, *Payment Card and Third Party Network Transactions.*

II. Section 3406

Section 3406(a) requires backup withholding for reportable payments where certain conditions are met. Pursuant to section 3406(b)(3)(F), a reportable payment includes payments required to be shown on a return required under section 6050W. Generally, under section 3406(b)(4), whether a payment is reportable is determined without regard to the minimum amount that must be paid before a return is required.

OBBBA section 70432(b)(1) amended section 3406(b) by adding a new paragraph (8) that applies to calendar years beginning after December 31, 2024. Section 3406(b)(8)(A) provides that any payment in settlement of a third party network transaction required to be shown on a return required under section 6050W that is made during any calendar year is treated as a reportable payment only if (1) the aggregate number of transactions with respect to the participating payee during such calendar year exceeds the number of transactions specified in section 6050W(e)(2), and (2) the aggregate dollar amount of transactions with respect to the participating payee during such calendar year exceeds the dollar amount specified in section 6050W(e)(1) at the time of such payment.

Section 3406(b)(8)(B) provides that section 3406(b)(8)(A) does not apply with respect to payments to any participating payee during any calendar year if one or more payments in settlement of third party network transactions made by the payor to the participating payee during the preceding calendar year were reportable payments.

Explanation of Provisions

Because the existing regulations under section 6050W already reflect the reporting threshold as codified in the OBBBA, the proposed regulations would not alter the existing text of the regulations under section 6050W.

The proposed regulations would update the regulations under section 3406 to reflect the statutory changes made to section 3406(b) by the OBBBA. The proposed regulations would clarify that in the case of payments made in settlement of third party network transactions, the amount subject to withholding under section 3406 is determined with regard to the exception for de minimis payments by TPSOs in section 6050W(e) and the associated regulations. Thus, under the proposed regulations, a payment would be treated as a reportable payment under § 31.3406(b)(3)–5(a) only if (1) the aggregate number of transactions with respect to the participating payee during the calendar year exceeds the number of transactions specified in section 6050W(e)(2) (currently 200); and (2) the aggregate dollar amount of the current transaction and all previous transactions to the participating payee during the calendar year exceeds the dollar amount specified in section 6050W(e)(1) at the time of such payment (currently $20,000).

The proposed regulations would also clarify that the amount subject to withholding is the entire amount of the transaction that causes either the total number of transactions to exceed the number of transactions specified in section 6050W(e)(2), or the entire amount of the transaction that causes the total dollar amount paid to the payee to exceed the dollar amount specified in section 6050W(e)(1) at the time of such payment, whichever occurs later, and the amount of any subsequent transactions made to the payee during the calendar year.

Finally, the proposed regulations would clarify that the exception in proposed § 31.3406(b)(3)–5(b)(2) would not apply with respect to payments to any participating payee during any calendar year if one or more payments in settlement of third party network transactions made by the payor to the participating payee during the preceding calendar year were reportable payments.

Proposed Applicability Date

These regulations are proposed to apply with respect to payments made in calendar years beginning after December 31, 2024.

Effect on Other Documents

Notice 2023–10, 2023–3 I.R.B. 403, Notice 2023–74, 2023–51 I.R.B. 1484, and Notice 2024–85, 2024–51 I.R.B. 1349 are inconsistent with the statutory revisions and are obsoleted as of January 9, 2026.

Special Analyses

I. Regulatory Planning and Review

These proposed regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (July 4, 2025) between the Treasury Department and the Office of Management and Budget (OMB) regarding review of tax regulations. Therefore, a regulatory impact assessment is not required.

II. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (PRA) generally requires that a Federal agency obtain the approval of the OMB before collecting information from the public, whether that collection of information is mandatory, voluntary, or required to obtain or retain a benefit. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by the OMB.

The collection of information in these proposed regulations relates to recordkeeping and information reporting with respect to backup withholding in proposed § 31.3406(b)(3)–5. The collected information will be used by the payor to determine whether payments to the payee exceed a threshold that would require backup withholding and the issuance of an information return. The burden for these requirements is included with the Form and Instructions for Form 945, *Annual Return of Withheld Federal Income Tax*. The Form 945 and Instructions for Form 945 are approved under OMB control number 1545–0029 and the associated burden is included in the estimates shown in the Instructions for Form 941. The Form 941 and its instructions are in the process of being updated, and any decrease in burden associated with the statutory changes to section 3406 will be reflected in those instructions.

III. Regulatory Flexibility Act

It is hereby certified that these proposed regulations would not have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The proposed rule would affect any entity required to file information returns reporting payments of third party network transactions. The proposed regulation could affect a substantial number of small entities; however, the economic impact of the proposed regulations is not likely to be significant because the proposed regulations would not impose any new requirements on small entities. Rather, the proposed rules would clarify the threshold at which entities are required to backup withhold for reportable payments where certain conditions are met. Because the threshold to backup withhold would increase under the proposed rules, the proposed rules would reduce the frequency with which entities must backup withhold. Thus, the economic impact of these proposed regulations is not likely to be significant.

Notwithstanding this certification, the Treasury Department and the IRS welcome comments on the impact of these proposed regulations on small entities.

IV. Submission to Small Business Administration

Pursuant to section 7805(f), this notice of proposed rulemaking has been submitted to the Chief Counsel for the Office of Advocacy of the Small Business Administration for comment on its impact on small business.

V. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 requires that agencies assess anticipated costs and benefits and take certain other actions before issuing a final rule that includes any Federal mandate that may result in expenditures in any one year by a State, local, or Tribal government, in the aggregate, or by the private sector, of $100 million in 1995 dollars, updated annually for inflation. These proposed regulations do not include any Federal mandate that may result in expenditures by State, local, or Tribal governments, or by the private sector, in excess of that threshold.

VI. Executive Order 13132: Federalism

Executive Order 13132 (Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on State and local governments, and is not required by statute, or preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. These proposed regulations do not have federalism implications, do not impose substantial direct compliance costs on State and local governments, and do not preempt State law within the meaning of the Executive Order.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the Treasury Department and the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. Any electronic and paper comments submitted will be available at *https://www.regulations.gov* or upon request. Once submitted to the Federal eRulemaking Portal, comments cannot be edited or withdrawn.

A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Statement of Availability of IRS Documents

IRS Revenue Rulings, Revenue Procedures, Notices, and other guidance cited in this document are published in the Internal Revenue Bulletin (or Cumulative Bulletin) and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or by visiting the IRS website at *https://www.irs.gov.*

Drafting Information

The principal author of these proposed regulations is the Office of Associate Chief Counsel (Procedure and Administration). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping, Social Security, Unemployment compensation.

Proposed Amendments to the Regulations

Accordingly, the Treasury Department and the IRS propose to amend 26 CFR part 31 as follows:

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Paragraph 1.** The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805.

* * * * *

Sections 31.3406(a)–1 through 31.3406(i)–1 also issued under 26 U.S.C. 3406(i).

* * * * *

■ **Par. 2.** Section 31.3406(a)–1 is amended by revising paragraphs (a) and (c), and adding paragraph (e) to read as follows:

§ 31.3406(a)–1 Backup withholding requirements on reportable payments.

(a) *Overview.* Under section 3406 of the Internal Revenue Code (Code), a payor must deduct and withhold an amount equal to the product of the fourth lowest rate of tax applicable under section 1(c) of the Code and a reportable payment if a condition for withholding exists. Reportable payments mean interest and dividend payments (as defined in section 3406(b)(2)) and other reportable payments (as defined in section 3406(b)(3)). The conditions described in paragraph (b)(1) of this section apply to all reportable payments, including reportable interest and dividend payments. The conditions described in paragraph (b)(2) of this section apply only to reportable interest and dividend payments.

* * * * *

(c) Exceptions. The requirement to withhold does not apply to certain *de minimis* payments as described in §§ 31.3406(b)(3)–1(a)(3), 31.3406(b)(3)–5(b)(2), and 31.3406(b)(4)–1 or to payments exempt from withholding under §§ 31.3406(g)–1 through 31.3406(g)–3.

* * * * *

(e) *Applicability date.* The provisions of this section apply with respect to payments made in calendar years beginning after December 31, 2024.

■ **Par. 3.** Section 31.3406(b)(3)–5 is amended by revising paragraphs (b) and (e) to read as follows:

§ 31.3406(b)(3)–5 Reportable payments of payment card and third party network transactions.

* * * * *

(b) *Amount subject to backup withholding*—(1) *In general.* The amount described in paragraph (a) of this section that is subject to withholding under section 3406 is the amount subject to reporting under section 6050W.

(2) *Third party network transactions.* In the case of payments made in settlement of third party network transactions, the amount subject to withholding under section 3406 is determined with regard to the exception for *de minimis* payments by third party settlement organizations in section 6050W(e). A payment is treated as a reportable payment under paragraph (a) of this section only if, during the calendar year, the aggregate number of transactions with respect to the participating payee exceeds the number of transactions specified in section 6050W(e)(2) and the aggregate amount of all reportable payment transactions with respect to such participating payee exceeds the dollar amount specified in section 6050W(e)(1). The amount subject to withholding is the entire amount of the transaction that causes either the total number of transactions to exceed the number of transactions specified in section 6050W(e)(2), or the entire amount of the transaction that causes the total amount paid to the participating payee to exceed the dollar amount specified in section 6050W(e)(1) at the time of such payment, whichever occurs later, and the amount of any subsequent transactions made to the participating payee during the calendar year.

(3) *Exception.* Paragraph (b)(2) of this section does not apply with respect to payments to any participating payee during any calendar year if one or more payments in settlement of third party network transactions made by the payor to the participating payee during the preceding calendar year were reportable payments.

(4) *Examples.* The provisions of paragraph (b) of this section are illustrated by the following examples:

(i) *Example 1.* Platform A is a third party settlement organization (as defined in § 1.6050W–1(c)(2) of this chapter) and Y is a participating payee (as defined in § 1.6050W–1(a)(5)(i)(B) of this chapter). A complies with all the requirements to solicit a taxpayer identification number (TIN) from Y, but Y does not provide its TIN to A. During calendar year 2026, A makes 201 payments in settlement of third party network transactions that total $20,000.01. A must backup withhold under paragraph (b)(2) of this section on the entire amount of the 201st transaction because that transaction caused Y to exceed the *de minimis* reporting threshold for calendar year 2026 of 200 transactions and $20,000 in gross payments.

(ii) *Example 2.* The facts are the same as in paragraph (b)(4)(i) of this section (*Example 1*). During calendar year 2027, A makes 199 payments in settlement of third party network transactions that total $18,000.00. A must backup withhold on each payment made to Y in settlement of a third party network transaction during 2027 under paragraph (b)(3) of this section because one or more payments in settlement of third party network transactions made by A to Y during the preceding calendar year (2026) were reportable payments.

(iii) *Example 3.* The facts are the same as in paragraph (b)(4)(ii) of this section (*Example 2*). During calendar year 2028, A makes four payments in settlement of third party network transactions that total $2,000.00. A must backup withhold on each payment made in settlement of a third party network transaction during 2028 under paragraph (b)(3) of this section because one or more payments in settlement of third party network transactions made by A to Y during the preceding calendar year (2027) were reportable payments.

(iv) *Example 4.* The facts are the same as in paragraph (b)(4)(iii) of this section (*Example 3*). During calendar year 2029, A made no payments in settlement of third party network transactions, and during calendar year 2030, A makes 199 payments in settlement of third party network transactions that total $18,000.00. A is not required to backup withhold on any payment made in settlement of third party network transactions during calendar year 2030 because A did not make any reportable payments to Y during the preceding calendar year (2029), and A did not make payments in settlement of third party network transactions that exceed the *de minimis* reporting threshold.

* * * * *

(e) *Applicability date.* The provisions of this section apply with respect to payments made in calendar years beginning after December 31, 2024.

Frank J. Bisignano,

Chief Executive Officer.

[FR Doc. 2026–00254 Filed 1–8–26; 8:45 am]

BILLING CODE 4831–GV–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2025–0143; FRL–13000–01–R5]

Air Plan Approval; Ohio; Ohio Permit Rules Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to Ohio air permitting rules into the State Implementation Plan (SIP) under the Clean Air Act (CAA). These revisions represent changes to the air permitting rules the Ohio Environmental Protection Agency (Ohio EPA) adopted on March 1, 2023, and July 25, 2025, which became effective at the State level on March 11, 2023, and August 14, 2025, respectively. These revisions will result in consistent requirements of rules at both the State and Federal level.

DATES: Comments must be received on or before February 9, 2026.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2025–0143 at *https://www.regulations.gov,* or via email to *damico.genevieve@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Skyler Sanderson, Air and Radiation Division (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–4454, *sanderson.skyler@epa.gov.* The EPA Region 5 office is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we," "us," or "our" is used, we mean EPA.

I. Background

On March 19, 2025, Ohio EPA submitted revisions to rules in Ohio Administrative Code (OAC) chapter 3745–31 Permit-to-Install New Sources and Permit-to-Install and Operate Program to EPA to amend the Ohio SIP. The submittal includes revisions to air permitting rules which update definitions, provisions for permit exemptions and permits-by-rule, and permit expiration timing. Ohio adopted revisions to these rules on March 11, 2023.

On August 5, 2025, Ohio EPA submitted further revisions to OAC chapter 3745–31–03. These revisions clarify the conditions for four permit exemption categories. Ohio EPA adopted these revisions on July 25, 2025.

In the March 19, 2025, and August 5, 2025, submittals, Ohio EPA requested that the following paragraphs be excluded from approval into the SIP: OAC 3745–31–01(A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11); 3745–31–03(B)(1)(p); 3745–31–05(E); 3745–31–13(H)(1)(c); 3745–31–22(A)(3)(b); 1-hour NO_2 SIL in 3745–31–23(A); 3745–31–24(F); 3745–31–26(D); 3745–31–27(A)(1)(b); and 3745–31–34(B), (C), and (D).

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirements concerning attainment and reasonable further progress toward attainment of a National Ambient Air Quality Standards (NAAQS) or any other applicable requirement of the CAA. Based on the information in the submittals, these revisions are not expected to negatively impact air quality or interfere with any applicable CAA requirement.

II. Review of State Submittal

The following discussion summarizes the rule revisions and EPA's analysis of them under the CAA.

A. OAC 3745–31–01 Definitions

Ohio EPA changed the numbering system for the definitions in this rule to reflect the letters of the alphabet in order to streamline future additions or deletions. This rule is now organized with definitions in sections (A) through (Z) and reference materials in section (AA). Ohio EPA also changed references to these definitions throughout this chapter in order to align with the new numbering system.

Ohio EPA added the definition of "Carbon Dioxide (CO_2) Equivalent" under OAC 3745–31–01(C)(1) to replace similar language in OAC 3745–31–34.

Ohio EPA added the definition of "Greenhouse gases" under OAC 3745–31–01(G)(4) to replace similar language in OAC 3745–31–34.

Ohio EPA clarified the definition of "Sum of the difference" for New Source Review projects under OAC 3745–31–01(M)(3)(c)(iv).

Ohio EPA reworded the definition of "Non-road engine" under OAC 3745–31–01(N)(9) [formerly OAC 3745–31–01(CCCC)] in order to be consistent with Federal regulations.

Ohio EPA moved the definition of "Reasonable possibility" to OAC 3745–31–01(R)(2) from OAC 3745–31–10(A)(6).

Ohio EPA updated references to the Code of Federal Regulations and United States Code under OAC 3745–31–01(AA)(2) in order to reflect the most recent editions. Ohio EPA added references to 40 CFR 60.18, 60.4214, 60.4243, 60.4245, 63.6585, 63.6650, 80.510, and 40 CFR part 60 subpart JJJ to this section.

EPA finds these revisions approvable because they provide clarity to terms used in various rules throughout the SIP and do not change the requirements of the rules themselves.

B. OAC 3745–31–02 Applicability, Requirements, and Obligations

OAC 3745–31–02 contains provisions requiring sources of air pollution to obtain an installation permit. Ohio EPA modified the rule to clarify that provisions for permits-by-rule are now located in OAC 3745–31–30.

C. OAC 3745–31–03 Exemptions

OAC 3745–31–03 contains provisions for sources that qualify for permit exemptions. This rule relieves exempt sources from the obligation to apply for and obtain a construction permit but does not exempt any source from CAA requirements. Previous provisions for permits-by-rule are now located in OAC 3745–31–30.

The rule revisions change the following permanent exemptions under OAC 3745–31–03(B)(1):

(l): Storage tanks. In subparagraph (i), pertaining to inorganic liquids, a reference to paragraph (B)(1)(m)(vii) has been corrected to read (B)(1)(l)(vii).

(u): Very small municipal waste combustion units. These units are subject to the 40 CFR part 60 subparts EEEE and FFFF and are title V sources by definition, thus they cannot be exempted. The text of this paragraph has been removed and replaced with ''reserved.''

(pp): Two-stroke or four-stroke air-cooled gasoline powered engines of no more than twenty horsepower. Natural gas and liquified propane gas will be allowable fuels, as well as gasoline.

(tt): One-time use of a mobile treatment unit or vacuum truck. Under (ii), references to (B)(1)(b), (B)(2)(d) and (B)(2)(e) have been corrected to refer to paragraphs (C)(1)(b), (C)(2)(d) and (C)(2)(e), respectively, under the newly created OAC 3745–31–30.

In addition, the rule revisions add the following new permanent exemptions under OAC 3745–31–03(B)(1):

(kkk): Valve sites and metering and regulating facilities within the natural gas transmission and downstream distribution pipeline system that have a potential to emit of less than 5.0 tons of VOC per year.

(lll): Temporary portable flares used in conjunction with on-site repairs, maintenance, or construction/dismantlement of pipelines used for transmission or downstream distribution of natural gas, butane, or similar liquified petroleum gas, that are not located at well sites or natural gas processing facilities and are operated in accordance with 40 CFR 60.18 and process no more than 14,000.0 million British thermal units of gas per year.

(mmm): Temporary fuel-burning equipment (*e.g.,* boilers or engines) used to replace main fuel-burning equipment during periods of maintenance or repair provided the actual emissions and hourly potential to emit of the temporary sources do not exceed that of the replaced sources, the temporary source does not remain at the location for more than ninety consecutive days, and the owner or operator has notified the director prior to the sources use. This exemption does not apply to sources subject to the portable source requirements under paragraph (B)(1)(p) of this rule.

(nnn): Breweries of beer and flavored malt beverages breweries, including packaging and labeling lines. Production capacity may not exceed 60,000 31-gallon barrels per year.

(ooo): Portable sawmills which process no more than five million board feet of green wood per year, are powered by exempt non-road engines, and where wood waste is mechanically discharged directly to storage piles.

(ppp): Sand and gravel storage and handling operations that process no more than 125,000 tons of sand and gravel combined per year. This does not include roadways and parking areas at these operations.

(qqq): Wet cooling towers, treatment systems for process cooling water or boiler feedwater, and water tanks, reservoirs, or other water containers designed to cool, store, or otherwise handle water (including rainwater). Included in the exemption are water-handling equipment not subject to Federal NESHAPs, with no direct contact with certain chemical agents, and with a predicted particulate drift below a certain threshold.

(rrr): Animal crematories that process no more than 600 pounds per hour of whole animals and bedding, with the presence of infectious and zoonotic agents prohibited, and which only supply natural gas, propane, or butane to the burners, and does not employ liquid accelerants.

(sss): Production electric arc welding operations that use no more than 116 pounds of electrode per day.

(ttt): Ultraviolet type or corona discharge type ozone generators with maximum output capacity not exceeding 189 grams of ozone per hour.

The submittal states these new permanent exemptions would not have an adverse impact on emissions or air quality. Sources meeting the criteria for these exemptions are low-emitting sources which would not have required a permit to construct or operate prior to this revision. Some would have been considered ''de minimis'' sources in accordance with OAC 3745–15–05. The remaining sources would not have been permitted in accordance with Ohio EPA's interpretation of OAC 3745–31 rule requirements. These source categories were included as explicit exemptions to provide clarity to small businesses in determining if air permits are required for their operations. A quantitative analysis showed that each qualifying source in these exempt categories would emit no more than 5.0 tons per year of any pollutant. In addition, if these sources were required to obtain a permit, it would not result in further controls or emissions reductions beyond the conditions to meet the exemption. The rule also does not interfere with any other applicable CAA requirement, including the applicability of other SIP requirements, and those found in the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants. EPA agrees with Ohio's justifications and proposes to find these revisions approvable.

D. OAC 3745–31–05 Criteria for Decision by the Director

OAC 3745–31–05 identifies criteria used in issuing an installation permit. This rule revision contains the following changes:

Ohio EPA added language to OAC 3745–31–05(A)(3)(a)(i) to clarify that a source may be subject to Best Available Technology (BAT) requirements if it has been modified on or after January 1, 1974.

Ohio EPA modified a table in OAC 3745–31–05(I) in order to reflect changes in divisional responsibilities when the Ohio EPA Air Division must coordinate its review of certain types of permits.

EPA finds these revisions approvable as they are clarifications that do not affect the requirements of the rule.

E. OAC 3745–31–07 Termination, Revocation, Expiration, Renewal, Revision and Transfer

OAC 3745–31–07 contains provisions on the termination, revocation, expiration, renewal, revision and transfer of air permits. Ohio EPA added two provisions under OAC 3745–31–07(A)(1) to modify the requirement that an installation permit terminate after eighteen months. If the permit is subject to an appeal by a party other than the owner or operator, the time period may be extended. If the permit has been superseded by a subsequent permit, the existing permit will be terminated.

40 CFR part 52 describes Federal guidelines for approval and promulgation of SIPs. 40 CFR 52.21(r) ''Source obligation'', describes source obligations to construct within 18 months of receiving approval to construct, but the Administrator may extend this period ''upon a satisfactory showing that an extension is justified''. In keeping with these guidelines, the revisions to OAC 3745–31–07 clarify situations that Ohio EPA deems ''justified'' to grant an extension. These situations include the source undertaking a continuing program of construction during the 18-month period; the source entering into a binding contractual obligation to undertake and complete a continuing program of construction; the source requesting and receiving an extension from the director of the date by which the source must be constructed per an administrative modification; or the construction permit being subject to a third-party appeal. Under this last situation, the 18-month construction deadline would be paused during the appeal until it is fully resolved, at which time the deadline would resume.

Ohio EPA issued an engineering guide, posted on its website, on October 31, 2025, detailing the process the agency will follow when a construction permit is appealed. This includes notifying interested parties of the appeal and that the permit's construction period will be paused until the appeal is resolved. Ohio EPA will also assess any changes in air quality or Federal standards that occurred since the appeal was filed, such as newly constructed nearby emissions sources, changes in the NAAQS, or changes to applicable New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, and review any submitted air quality modeling to ensure it meets current requirements. If the modeling review shows issues, the Permittee will be notified and required to adjust their permit application to meet relevant requirements and submit revised modeling.

EPA finds these revisions approvable as they are protective of the NAAQS, ensure the public is adequately informed of the permitting process, and do not contravene any CAA requirement.

F. OAC 3745–31–06 Through 3745–31–29

The following rules were revised with minor formatting changes for clarification and citation corrections:

- 3745–31–06 Completeness determinations, processing requirements, public participation, public notice, and issuance
- 3745–31–09 Variances on operation
- 3745–31–10 NSR projects at existing emissions units at a major stationary source
- 3745–31–11 Attainment provisions—ambient air increments, ceilings and classifications
- 3745–31–12 Attainment provisions—data submission requirements
- 3745–31–13 Attainment provisions—review of major stationary sources and major modifications, stationary source applicability and exemptions
- 3745–31–14 Attainment provisions—preapplication analysis
- 3745–31–15 Attainment provisions—control technology review
- 3745–31–16 Attainment provisions—major stationary source impact analysis
- 3745–31–17 Attainment provisions—additional impact analysis
- 3745–31–18 Attainment provisions—air quality models
- 3745–31–19 Attainment provisions—notice to the United States environmental protection agency
- 3745–31–20 Attainment provisions—innovative control technology
- 3745–31–21 Nonattainment provisions—review of major stationary sources and major modifications—stationary source applicability and exemptions
- 3745–31–22 Nonattainment provisions—conditions for approval
- 3745–31–23 Nonattainment provisions—stationary sources locating in designated clean or unclassifiable areas which would cause or contribute to a violation of a national ambient air quality standard
- 3745–31–24 Nonattainment provisions—baseline for determining credit for emission and air quality offsets
- 3745–31–25 Nonattainment provisions—location of offsetting emissions
- 3745–31–26 Nonattainment provisions—offset ratio requirements
- 3745–31–27 Nonattainment provisions—administrative procedures for emission offsets
- 3745–31–28 Review of major stationary sources of hazardous air pollutants requiring MACT determinations
- 3745–31–29 General permit-to-install and general PTIO

EPA finds these revisions approvable as they are clarifications and corrections that do not affect the requirements of the rules.

G. OAC 3745–31–30 Permits-by-Rule

OAC 3745–31–30 contains provisions for sources that qualify for permits-by-rule (PBR). These provisions were previously under OAC 3745–31–03, but Ohio EPA has separated these provisions into their own rule for simplicity.

The following changes to the original OAC 3745–31–03 language are being made:

Ohio added OAC 3745–31–30(B), stating the relocation of a portable PBR source is exempt under OAC 3745–31–03, provided the requirements of OAC 3745–31–03(B)(1)(p) are met.

Ohio added the word ''reciprocating'' to OAC 3745–31–30(C)(2)(a) to clarify that combustion turbines are excluded.

Ohio deleted redundant language in OAC 3745–31–30(C)(2)(c)(iii).

Ohio corrected citations in OAC 3745–31–30(C)(2)(l).

Ohio added a new ''transloader'' PBR to OAC 3745–31–30(C)(2)(n) to address portable belt or screw conveyor devices used to transfer bulk material between trucks and railcars.

Ohio added a new ''petroleum-solvent dry cleaner'' PBR to OAC 3745–31–30(C)(2)(o) to address small and medium-sized dry-cleaning establishments that use non-perchloroethylene solvents.

EPA finds these revisions approvable as they are clarifications and corrections that do not affect the requirements of the rule, and the new PBRs are modifications of the mechanism for permitting and do not impact emissions or air quality. PBRs include the applicable emission limits, control requirements, operational restrictions, monitoring, recordkeeping, and reporting requirements that would go into a traditional permit.

H. OAC 3745–31–32 Plantwide Applicability Limit

This rule contains provisions for sources that choose to be covered under a plantwide applicability limit (PAL).

Ohio modified OAC 3745–31–32(A)(4) to reflect the exemption from BAT requirements described in OAC 3745–31–05(A)(3)(a)(iv) for PALs. EPA finds these revisions approvable as they are clarifications that do not affect the requirements of the rule.

III. What action is EPA taking?

EPA is proposing to approve Ohio EPA's March 19, 2025, and August 5, 2025, submittals as revisions to its existing SIP. EPA finds that the revisions are consistent with Federal requirements. As requested by Ohio EPA, the following provisions are not included in this proposed approval: OAC 3745–31–01(A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11); 3745–31–03(B)(1)(p); 3745–31–05(E); 3745–31–13(H)(1)(c); 3745–31–22(A)(3)(b); 1-hour NO_2 SIL in 3745–31–23(A); 3745–31–24(F); 3745–31–26(D); 3745–31–27(A)(1)(b); and 3745–31–34(B), (C), and (D).

IV. Incorporation by Reference

In this rulemaking, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Ohio rule(s) 3745–31–01 [with the exception of OAC 3745–31–01(A)(8), (E)(3)(b)(ii) and (iii), (M)(10)(a)(ii), (P)(12), (Q), and (S)(11)], 3745–31–02, 3745–31–03 [with the exception of OAC 3745–31–03(B)(1)(p)], 3745–31–05 [with the exception of OAC 3745–31–05(E)], 3745–31–06, 3745–31–07, 3745–31–09, 3745–31–10, 3745–31–11, 3745–31–12, 3745–31–13 [with the exception of OAC 3745–31–13(H)(1)(c)], 3745–31–14, 3745–31–15, 3745–31–16, 3745–31–17, 3745–31–18, 3745–31–19, 3745–31–20, 3745–31–21, 3745–31–22 [with the exception of OAC 3745–31–22(A)(3)(b)], 3745–31–23 [with the exception of the 1-hour NO_2 SIL in 3745–31–23(A)], 3745–31–24 [with the exception of OAC 3745–31–24(F)], 3745–31–25, 3745–31–26 [with the exception of OAC 3745–31–26(D)], 3745–31–27 [with the exception of OAC 3745–31–27(A)(1)(b)], 3745–31–28, 3745–31–29, 3745–31–30, and 3745–31–32, effective March 11, 2023, and August 14, 2025, discussed in section II of this preamble. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

• Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• Is not subject to Executive Order 14192 (90 FR 9065, February 6, 2025) because SIP actions are exempt from review under Executive Order 12866;

• Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;

• Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

• Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rulemaking does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 23, 2025.

Cheryl Newton,

Acting Regional Administrator, Region 5.

[FR Doc. 2026–00258 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 390

[Docket No. FMCSA–2025–0124]

RIN 2126–AC77

Clarification to the Applicability of Emergency Exemptions; Response to Petitions for Reconsideration

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: In response to several petitions for reconsideration, FMCSA proposes to revise from 14 days to 30 days the length of the emergency relief automatically triggered subsequent to a regional declaration of emergency by a Governor of a State, their authorized representative, or FMCSA. This proposal would reverse one change made by a final rule published in October of 2023.

DATES: Comments must be received on or before March 10, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0124 using any of the following methods:

• *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-FMCSA-2025-0124/document.* Follow the online instructions for submitting comments.

• *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

• *Fax:* (202) 493–2251.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments, including information collection comments for the Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Ms. Kathryn Sinniger, Regulatory and

Legislative Affairs Division, Office of the Chief Counsel, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, (202) 570–8062, *Kathryn.sinniger@dot.gov.* If you have questions on viewing material in the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

A. Submitting Comments

If you submit a comment, please include the docket number for this NPRM (FMCSA–2025–0124), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2025-0124/document*, click on this NPRM, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period.

Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Brian Dahlin, Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* You need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this rulemaking.

B. Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2025-0124/document* and choose the document to review. To view comments, click this NPRM, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

C. Privacy

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its regulatory process. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice DOT/ALL 14 (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edits and are searchable by the name of the submitter.

II. Abbreviations

ANPRM Advance notice of proposed rulemaking
CE Categorical Exclusion
CMV Commercial motor vehicle
CVSA Commercial Vehicle Safety Alliance
DOT Department of Transportation
FMCSA Federal Motor Carrier Safety Administration
FMCSRs Federal Motor Carrier Safety Regulations
FR Federal Register
HOS Hours of service
NPGA National Propane Gas Association
NPRM Notice of Proposed Rulemaking
OOIDA Owner Operator Independent Driver Association
PIA Privacy Impact Analysis
PTA Privacy Threshold Assessment
SCHTO Subcommittee on Highway Transport
UMRA The Unfunded Mandates Reform Act of 1995
U.S.C. United States Code

III. Legal Basis

This NPRM is issued under the authority of 49 U.S.C. 31136(a) and 31133(a)(10). The Secretary of Transportation (the Secretary) has authority under 49 U.S.C. 31136(a) to ''prescribe regulations on commercial motor vehicle safety. The regulations shall prescribe minimum safety standards for commercial motor vehicles.'' Where appropriate, the Secretary may provide exceptions to the applicability and scope of such regulations.

Authority to ''perform other acts the Secretary considers appropriate'' is conferred by 49 U.S.C. 31133(a)(10). The Secretary, acting through FMCSA, finds the use of emergency relief in the wake of an emergency to be appropriate and in the public interest.

Pursuant to 49 CFR 1.87, the Secretary has delegated this statutory authority to the FMCSA Administrator.

IV. Regulatory History

On October 13, 2023, FMCSA published in the **Federal Register** (88 FR 70897) a final rule titled ''Clarification to the Applicability of Emergency Exemptions.'' That final rule revised the emergency exemption rules, found in 49 CFR 390.23 and 390.25. Among other changes, the revisions narrowed the scope of the safety regulations from which relief is automatically provided when an emergency is declared by a Governor (or other authorized State-level official), FMCSA, or a local government official. The exemptions continue to apply only to motor carriers and drivers providing direct assistance in response to the declared emergency.

Specifically, the final rule made changes to the definitions of *emergency* and *direct assistance* and removed the definition of the term *emergency relief.* It revised the scope of the regulatory relief that takes effect upon a regional declaration of emergency by a Governor, a Governor's authorized representative, or FMCSA, such that the automatic exemption would be limited to 14 days and exempt motor carriers and commercial motor vehicle (CMV) drivers from only the hours of service (HOS) regulations in sections 395.3 and 395.5. The previous regulation provided that the automatic exemption was limited to 30 days and covered all regulations in 49 CFR parts 390 through 399. For local emergencies, which were already limited to a 5-day period of automatic relief, the final rule narrowed the exemption to cover only the HOS regulations in sections 395.3 and 395.5, rather than all regulations in 49 CFR parts 390 through 399. Finally, the final rule simplified the process for requesting modifications and extensions of emergency exemptions, found in section 390.25.

V. Petitions for Reconsideration

Following the publication of the final rule, FMCSA received seven petitions for reconsideration,[1] filed by the following entities: The Commercial Vehicle Safety Alliance (CVSA); Doug Burgum, Governor of North Dakota; the Montana Department of Transportation; the Western Association of State Highway Transportation Officials Subcommittee on Highway Transport; the National Propane Gas Association (NPGA); Owner-Operator Independent Drivers Association, Inc. (OOIDA); [2] Brad Little, Governor of Idaho; and Kristi Noem, Governor of South Dakota. Six of the seven petitions requested that FMCSA reconsider the 14-day automatic time limit placed on emergency exemptions when those exemptions are triggered by an emergency declaration issued by a Governor or a delegee for a Governor. Each of these petitions noted that the 14-day limit was too short, cited specific examples of events where the emergency response surpassed 14 days, and argued that the various clearance procedures involved in requesting extensions for the emergency exemption, at both the State and Federal levels, made it necessary to request an extension before it was even known how much additional time would be needed. The seventh petition requested that FMCSA revoke the final rule in its entirety. All seven petitions may be found in the docket for this rulemaking.

In January 2025, FMCSA notified all petitioners that it would reconsider the final rule on the limited issue of the maximum time a regional emergency exemption would trigger relief from HOS regulations in sections 395.3 and 395.5. A copy of the letters to the petitioners are also included in the docket for this rulemaking.

VI. Discussion of Proposed Rule

In response to the petitions listed above, FMCSA is reconsidering the 14-day time limit for the automatic relief triggered by a regional emergency declaration, found at section 390.23(b). This proposed rule, if adopted, would revert the automatic time limit for regional emergency exemptions back to the 30-day limit that existed prior to the issuance of the October 2023 final rule. The need for direct assistance requiring regulatory relief may extend beyond the 14-day limit currently found in section 390.23(b). FMCSA experienced several instances since the final rule was issued where decisions on extension requests could not be issued until very close to the expiration time of the automatic emergency exemption, which created uncertainty about whether the emergency exemption would be in place for a longer period of time. Instances where such regulatory relief extended beyond 14 days include: the collapse of the Francis Scott Key Bridge in Baltimore, Maryland in the spring of 2024; the wildfires in western United States; and the historic back-to-back hurricanes in North Carolina in the fall of 2024.[3] Most petitioners reported that the time needed to draft and process exemption extensions, both at the State and Federal level, can be lengthy. In some scenarios, emergency responders are forced to justify an extension request before they know how much additional time will be required to respond to an emergency situation. In these cases, responders may need to delay their direct assistance in order to ensure the extension is completed, and CMV drivers engaged in direct assistance may delay operations, if their operation would extend past the 14 days, until they know an extension has been issued. FMCSA agrees with petitioners who pointed out that any delay in response in such situations, while rare, is unacceptable because it creates a risk of delays in the provision of emergency assistance.

Based on the foregoing, FMCSA is proposing to change the time limit placed on the automatic emergency exemption that is triggered by a regional emergency declaration, *i.e.,* a declaration by a Governor, their authorized representative, or FMCSA. If this proposed rule is adopted, the applicable time limit for an automatic emergency exemption would be 30 days, as it was prior to the effective date of the October 2023 final rule. However, the terms of the exemption would require that it not continue after the emergency period if that period is less than 30 days. This limitation existed prior to the October 2023 final rule and was maintained with that final rule. This means that should a Governor issue an emergency declaration for 14 days, the emergency exemption would also be limited to 14 days. Likewise, if a Governor cancels a 30-day emergency declaration after 20 days, the emergency exemption would also be cancelled. In addition, the limitation that the emergency relief from sections 395.3 and 395.5 during a declared emergency only applies to motor carriers and drivers providing direct assistance during the emergency would remain in place. FMCSA believes that these limitations would continue to meet the goal of ensuring that the relief granted through emergency declarations is appropriate and tailored to the specifics of the circumstances and emergencies being addressed.

Issues on Which the Agency Seeks Further Comment

FMCSA invites comment on all aspects of the NPRM from all stakeholders, but we are particularly interested in comments from States that address the following issues. In addressing topics, FMCSA requests that commenters number their remarks to correspond with the list below:

1. How frequently have emergency declarations, issued by your State, required extensions beyond the current regulatory limit (14 days)?
2. To what extent would the proposed rule reduce the number of extensions requests that your State needs to submit annually?
3. What are the estimated administrative costs, incurred by your State, in preparing and submitting requests for extensions of emergency declarations?
4. Would the proposed rule lead to any changes in your State's resource allocation or staffing needs as it relates to emergency management and regulatory compliance?

VII. International Impacts

Motor carriers and drivers are subject to the laws and regulations of the countries they operate in, unless an international agreement states otherwise. Non-U.S. domiciled carriers and drivers would be able to provide direct assistance in some scenarios, under the terms of the emergency

[1] Two of the petitions came in after the period for filing a petition for reconsideration had ended. However, FMCSA is treating them as properly submitted petitions for reconsideration, as the Agency had not issued responses to any of the petitions submitted prior to receiving the late-filed petitions.

[2] NPGA and OOIDA jointly filed one petition for reconsideration.

[3] All emergency exemptions are available here: *https://www.fmcsa.dot.gov/emergency-declarations.*

The first exemption granted related to the Francis Scott Key Bridge collapse is available here: *https://www.fmcsa.dot.gov/emergency/maryland-executive-order-0101202409.* It was subsequently extended four times. The emergency exemptions related to the hurricanes in North Carolina were also extended several times. Emergency exemptions related to wildfires are granted on a regular basis in several States. Exemption extensions related to hurricanes and wildfires can both be found through a search of the first link in this footnote.

exemption provisions found in section 390.23.

VIII. Section-by-Section Analysis

There is only one change that would be made in this proposed rulemaking. In section 390.23, in paragraph (b), the number ''14'' would be changed to ''30,'' thereby increasing the length of time for an emergency exemption based on a regional declaration of an emergency. This change would revert the length of time for a regional emergency exemption to the automatic time limit that existed prior to the October 2023 final rule.

IX. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this proposed rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Order 2100.6B, Policies and Procedures for Rulemakings.[4]

In the October 2023 final rule, FMCSA stated that it did not expect that final rule to result in substantive incremental impacts relative to the baseline established in the Federal Motor Carrier Safety Regulations (FMCSRs). *See* 88 FR 70987, 70903. The final rule included an analysis of the costs and benefits of the final rule. One cost cited was the increase in the number of extension requests from motor carriers and drivers, resulting from the reduction in the automatic exemption from 30 days to 14 days. FMCSA reported this extension request cost as part of its Paperwork Reduction Act compliance, where the Agency estimated a total annual cost of $1,011 for the submission of the extension requests and a total Federal government annual cost of $1,589 to review and approve the requests. *See* 88 FR 70987, 70904. FMCSA assumed that 50 individuals would submit requests for extensions each year based on input from the FMCSA Crisis Management Center, and that extension requests would take 15 minutes to complete, for a total of 12.5 hours of labor (50 respondents × 15 minutes). FMCSA also assumed that a motor carrier employee equivalent to General and Operations Managers with a loaded hourly wage of $80.88 will submit the extension request.[5] As such, there would have been an annual cost of $1,011 ($80.88 × 12.5 hours) to submit extension requests. For the estimate of government costs, FMCSA assumed that requests for extensions would take 15 minutes each to review by a GS–13, step 5 in the Washington, DC area with a loaded hourly wage of $127.13.[6] The annual cost to review these extension requests would have been $1,589 ($127.13 × 12.5 hours).

This proposed rule would revert one change from the October 2023 final rule in section 390.23, in paragraph (b), to what it was prior to that final rule—30 days. As a result, FMCSA does not expect that making the change in this proposed rule would result in substantive incremental impacts relative to the baseline established in the FMCSRs, nor would it result in substantive incremental impacts relative to the baseline established by the October 2023 final rule. Generally, emergency exemptions are issued and extended to cover whatever period needed for CMV operators to provide direct assistance to restore essential supplies and services. This was the case before the October 2023 final rule, has been the case since the October 2023 final rule came into effect, and would continue to be the case under this proposed rule should it become a final rule. The only impact this proposal would have would be to reduce the number of extension requests needed, as more emergencies would be covered under the 30-day time period than were covered by the 14-day time period. Consequently, FMCSA estimates that this rule could yield annual cost savings up to the 2023 final rule cost estimates: $1,011 for motor carriers and up to $1,589 for the Federal Government, depending on the reduction in emergency exemption requests.

FMCSA is not estimating how large that reduction might be at this time. Rather, the Agency will update the expected number of extension requests per year when completing the renewal process for the approved collection of information, OMB Control Number 2126–0077, ''Emergency Declaration Exemption Reporting under 49 CFR 390.25.'' That collection is scheduled to expire on January 31, 2027. This may result in FMCSA over-estimating the burden on both the public and the Agency for approximately one year.

B. E.O. 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192 (90 FR 9065, Jan. 31, 2025), Unleashing Prosperity Through Deregulation, requires that for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.''[7]

Implementation guidance for E.O. 14192 issued by the Office of Management and Budget (OMB) (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.[8]

An E.O. 14912 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This proposed rulemaking is expected to have total costs less than zero, and therefore would be considered an E.O. 14192 deregulatory action upon issuance of a final rule. FMCSA seeks comment on how States, motor carriers, and individuals will be impacted by the decrease in extension requests filed and any other information that would aid the Agency in quantifying costs or savings associated with this proposed rule.

B. Congressional Review Act

This rulemaking is not a *major rule* as defined under the Congressional Review Act (5 U.S.C. 801–808).''[9]

C. Advance Notice of Proposed Rulemaking

Under 49 U.S.C. 31136(g), FMCSA is required to publish an advance notice of proposed rulemaking (ANPRM) or

[4] DOT Order 2100.6B, *available at https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings.*

[5] The loaded hourly wage is a product of the median hourly wage of a General and Operations multiplied by the fringe benefits rate of 50.5 percent and overhead costs of 21 percent. The median hourly wage of a General and Operations Manager is $47.16. A General Operations Manager falls under the Bureau of Labor Statistics Occupation Code 11–1021. Data is from the BLS Occupational Employment and Wage Statistics (OEWS), National, May 2022, available at *https://www.bls.gov/oes/tables.htm* (accessed Nov. 17, 2025).

[6] The hourly wage for a GS–13 Step 5 in the Washington, DC region was multiplied by the federal government fringe benefits rate of 45 percent and the federal government overhead rate of 64 percent to arrive at the loaded hourly wage. The hourly wage denoted in the OPM schedule for a GS–13 step 5 is $60.83. Available at *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/DCB_h.pdf* (accessed Nov. 17, 2025).

[7] Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation,* 90 FR 9065–9067 (Feb. 6, 2025).

[8] Executive Office of the President. Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation,''* Memorandum M–25–20 (Mar. 26, 2025).

[9] A *major rule* means any rule that the Office of Management and Budget finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. *See* 5 U.S.C. 804(2).

proceed with a negotiated rulemaking, if a proposed safety rule "under this part" [10] is likely to lead to the promulgation of a major rule. As this proposed rule is not likely to result in the promulgation of a major rule, the Agency is not required to issue an ANPRM or to proceed with a negotiated rulemaking.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[11] requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and 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(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

E. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), codified at 5 U.S.C. 601 note, FMCSA wants to assist small entities in understanding this proposed rule so they can better evaluate its effects on themselves and participate in the rulemaking initiative. If this rulemaking would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-ombudsman*) and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by a State, local, or Tribal government, in the aggregate, or by the private sector of $206 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2024 levels) or more in any 1 year. Though this proposal would not result in such an expenditure, and the analytical requirements of UMRA do not apply as a result, the Agency discusses the effects of this rulemaking elsewhere in this preamble.

G. Paperwork Reduction Act

This proposed rule contains no new information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The existing collections of information contained in section 390.25 are covered by an approved collection, OMB Control Number 2126–0077, "Emergency Declaration Exemption Reporting under 49 CFR 390.25."

H. E.O. 13132 (Federalism)

A rulemaking has implications for federalism under section 1(a) of E.O. 13132 if it has "substantial direct effects 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."

FMCSA has determined that this rulemaking would not have substantial direct costs on or for States, nor would it limit the policymaking discretion of States. Nothing in this document preempts any State law or regulation. Therefore, this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

I. Privacy

The Consolidated Appropriations Act, 2005,[12] requires the Agency to assess the privacy impact of a regulation that would affect the privacy of individuals. This rulemaking would not require the collection of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[13] requires Federal agencies to conduct a PIA for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology would collect, maintain, or disseminate information as a result of this rulemaking. Accordingly, FMCSA has not conducted a PIA.

In addition, the Agency completed a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA has been submitted to FMCSA's Privacy Officer for review and preliminary adjudication and would be submitted to DOT's Privacy Officer for review and final adjudication.

J. E.O. 13175 (Indian Tribal Governments)

This rulemaking does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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.

K. National Environmental Policy Act of 1969

FMCSA analyzed this NPRM pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under DOT Order 5610.1D,[14] Subpart B, paragraph e(6)(y)(4). The categorical exclusion (CE) in paragraph e(6)(y)(4) is for relief during regional and local emergencies and therefore the proposed requirements in this rulemaking are covered by this CE.

[10] Part B of Subtitle VI of Title 49, United States Code, *i.e.*, 49 U.S.C. chapters 311–317.

[11] Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

[12] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[13] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

[14] Available at *https://www.transportation.gov/mission/dots-procedures-considering-environmental-impacts.*

L. Rulemaking Summary

As required by 5 U.S.C. 553(b)(4), a summary of this rulemaking can be found in the Abstract section of the Department's Unified Agenda entry at *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=2126-AC77.*

List of Subjects in 49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, FMCSA proposes to amend 49 CFR part 390 as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS: GENERAL

The authority citation would continue to read as follows:

Authority: 49 U.S.C. 113, 504, 508, 31132, 31133, 31134, 31136, 31137, 31144, 31149, 31151, 31502; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677; secs. 212 and 217, Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 229, Pub. L. 106–159 (as added and transferred by sec. 4115 and amended by secs. 4130–4132, Pub. L. 109–59, 119 Stat. 1144, 1726, 1743, 1744), 113 Stat. 1748, 1773; sec. 4136, Pub. L. 109–59, 119 Stat. 1144, 1745; secs. 32101(d) and 32934, Pub. L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113–125, 128 Stat. 1388; secs. 5403, 5518, and 5524, Pub. L. 114–94, 129 Stat. 1312, 1548, 1558, 1560; sec. 2, Pub. L. 115–105, 131 Stat. 2263; and 49 CFR 1.81, 1.81a, 1.87.

§ 390.23 Automatic relief from regulations.

■ 1. In § 390.23(b), remove the number ''14'' and add, in its place, the number ''30.''

Issued under the authority of delegation in 49 CFR 1.87.

Derek D. Barrs,

Administrator.

[FR Doc. 2026–00268 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–EX–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1144

[Docket No. EP 788]

Eliminating Regulatory Barriers to Competition: Review of Part 1144

AGENCY: Surface Transportation Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board proposes to repeal its regulations on ''Intramodal Rail Competition,'' which implement the agency's statutory authority to prescribe reciprocal switching agreements, through routes, and through rates. The approach set out in the regulations, which narrows the Board's statutory discretion, may no longer be appropriate on an industrywide basis, and its repeal would allow the Board to consider the prescription of through routes, through rates, and reciprocal switching agreements on a case-by-case basis under the applicable statutory standards.

DATES: Comments on this notice of proposed rulemaking are due by March 10, 2026. Reply comments are due by April 24, 2026.

ADDRESSES: Comments and replies may be filed with the Board either via e-filing or in writing addressed to: Surface Transportation Board, Attn: Docket No. EP 788, 395 E Street SW, Washington, DC 20423–0001. A summary of the proposed rule and the proposed rule are available on the Board's website at *www.stb.gov* and can be found by clicking ''Search STB Records,'' selecting Dockets in the ''Search For'' menu, selecting EP in the ''Docket Number'' menu and entering 788. Comments and replies will also be posted to the Board's website.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm, at (202) 918–5462. If you require accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

SUPPLEMENTARY INFORMATION:

Background

Statutory History

Regulation of freight rail transportation in the United States is governed by the Interstate Commerce Act, which was amended substantially by the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4R Act), Public Law 94–210, the Staggers Rail Act of 1980 (Staggers), Public Law 96–448, and the ICC Termination Act of 1995 (ICCTA), Public Law 104–88. In the pre-Staggers era, the railroad industry was characterized by ''open routing'' and ''rate equalization,'' practices whereby through routes were created on practically all possible combinations of railroad tracks between two points (open routing) and where routes between the same two points—including single-line routes—were offered at the same rate, without regard to the actual cost (rate equalization). *Balt. Gas & Elec. Co.* v. *United States,* 817 F.2d 108, 110 (D.C. Cir. 1987).[1] The Board's predecessor, the Interstate Commerce Commission (ICC), supported these practices by using its statutory authority to prescribe and maintain through routes and joint rates and by considering attempts by railroads to lower the rate on one route as ''closing'' higher-priced through routes between the same points (*i.e.,* the ''commercial closing'' doctrine). *Id.* at 111. While some shippers enjoyed the choice of routes and unified rates, made available by ''open routing'' and ''rate equalization,'' many shippers began to oppose these practices, which on many routes forced the payment of rates higher than those that might have prevailed in a competitive environment. *Id.* Likewise, while some smaller railroads benefited from the proliferation of through routes, many suffered by their inability to lower rates on more efficient routings and raise rates when their share of joint rates on through routes did not cover variable costs and provide a fair rate of return. *Id.*

By the 1970s, the railroad industry had entered a state of ''financial crisis,'' *Baltimore Gas & Electric,* 817 F.2d at 111, with low rate divisions and a proliferation of uneconomic routes as among the ''major problems'' that led to its poor financial health, *Standards for Intramodal Rail Competition,* EP 445, slip op. at 5 (ICC served July 7, 1983) (citing H.R. Rep. No. 96–1430, at 111 (1980)); *see also* H.R. Rep. No. 96–1430, at 79 (''Earnings by the railroad industry are the lowest of any transportation mode and are insufficient to generate funds for necessary capital improvements.''). In response, Congress enacted ''two major pieces of legislation of a generally deregulatory thrust'': the 4R Act and Staggers. *Baltimore Gas & Electric,* 817 F.2d at 112–13. As relevant here, each statute reduced the ICC's discretion to deny or suspend the cancellations of through routes and joint

[1] A ''through route,'' or ''interline service,'' refers to a long-distance movement that is performed by two or more rail carriers. The shipment is transferred from one carrier to another *en route* between the point of origin and the final destination. Each participating rail carrier performs a portion of the line haul and earns a portion of the line-haul revenues. *Baltimore Gas & Electric,* 817 F.2d at 110.

Rail carriers typically charge either ''joint rates'' or ''proportional rates'' for interline service. A joint rate is a single rate that applies to the entire movement, from the point of origin to the final destination. The division of revenues under a joint rate is determined in the first instance by the rail carriers, subject to division by the Board as provided for in 49 U.S.C. 10705(b). In the case of proportional rates, each rail carrier establishes a separate rate for its portion of the movement, based on the carrier's participation in a through movement. *Cent. Power & Light Co.* v. *S. Pac. Transp. Co.,* 1 S.T.B. 1059, 1060, n.3 (1996). A ''through rate'' is a rate that applies to an entire origin-to-destination movement, without regard to how many rail carriers are involved in the movement. A joint rate and a proportional rate are each a form of through rate.

rates and thus made such ''cancellations easier to obtain.'' *Id.* at 112–13.[2]

Notwithstanding these statutory reforms, Congress retained the agency's longstanding authority to prescribe through routes. Under 49 U.S.C. 10705(a)(1), the Board may prescribe a through route when ''it considers [the through route] desirable in the public interest.'' 49 U.S.C. 10705(a)(1).[3] Section 10705(a)(2) includes additional guidelines when a prescribed through route would short haul a rail carrier.[4] In relevant part, the Board may prescribe such a through route only when inclusion of those lines would make the through route unreasonably long when compared with a practicable alternative that could be established or when needed to provide ''adequate, and more efficient or economic transportation.'' 49 U.S.C. 10705(a)(2). The Board must give reasonable preference to the rail carrier originating the traffic when prescribing through routes. 49 U.S.C. 10705(a).

Moreover, out of recognition that the 4R Act and Staggers made changes that would, ''if taken advantage of, dramatically change both railroads' services and their pricing, [Staggers] offered new protection'' by expanding the agency's discretion to prescribe reciprocal switching agreements.[5] *Standards for Intramodal Rail Competition,* EP 445, slip op. at 6. As provided in section 11102(c), the Board ''may require rail carriers to enter into reciprocal switching agreements'' where the Board finds those agreements to be ''practicable and in the public interest'' [6] or where those agreements are ''necessary to provide competitive rail service.'' [7] 49 U.S.C. 11102(c). As the legislative history explained:

> The new railroad transportation policy established by this bill emphasizes the need for increased intramodal and intermodal competition, and section 203 [on reciprocal switching and other forms of market entry] deals with intramodal competition among railroads. . . . As the Government moves toward significantly less regulation of the services offered by railroads, the Government should encourage, rather than discourage, competition among railroads. Competition among railroads, or at least the realistic threat of competition, can serve as an important safeguard against inadequate service or unreasonably high prices.

S. Rep. No. 470, 96th Cong., 1st Sess. 41; *see also* H. Rep. No. 96–1430, at 134.

Part 1144

The first several years after passage of Staggers witnessed a ''phenomenon of increasing cancellations of railroad routes and rates.'' *Standards of Intramodal Rail Competition,* EP 445, slip op. at 1 n.3; *see also id.* at 9 (describing post-Staggers industry efforts to cancel joint rates, restrict routings, and develop new rate programs and noting that ''[a]s a general proposition, these actions comport[ed] with the Staggers Act mandate''). Based on an assumption that rail carrier activities limiting the application of joint rates and through routes, and the use of existing market power, are ''anticompetitive per se,'' the National Industrial Transportation League (NITL) requested that the ICC propose regulations that would, among other things, prohibit anticompetitive railroad cancellations of joint rates and through routes and implement the provision authorizing the prescription of reciprocal switching agreements. *Id.* at 1, 11. NITL did not offer suggested regulations itself, and the ICC denied NITL's petition. *Id.* at 15. The ICC emphasized that Staggers encourages the development of more efficient routings and rates that reflect costs and competitive conditions and that the through routing and reciprocal switching provisions cannot ''be interpreted in the broad sense NITL seeks'' by stating ''categorically which actions are lawful and which are not.'' *Id.* at 11–12. However, it also acknowledged that there ''will continue to be uncertainties, dislocations, and problems for individual shippers and carriers'' that may justify redress ''under existing remedies.'' *Id.* at 11. It explained that the ''existing statutory criteria require case-by-case analysis of individual economic and competitive circumstances in each case,'' and resolved to address ''such individual wrongs'' based on an ''analysis of unique fact patterns [as] required by the statute.'' *Id.* at 13.[8]

Soon thereafter, NITL again asked the ICC to adopt regulations that would provide standards for the cancellation of through routes and joint rates, and the prescription of through routes, through rates, and reciprocal switching. *See Intramodal Rail Competition* (*Original 1144 NPRM*), EP 445 (Sub-No. 1), slip op. at 1 (ICC served Mar. 27, 1985). But this time, the Association of American Railroads (AAR) joined the request, and the parties proposed specific regulations that they had agreed upon in ''a good faith effort to accommodate the legitimate interests of shippers and railroads.'' *Id.*[9] The ICC noted that it was encouraged by the proposed regulations as they were ''clear evidence that traditional adversaries can reach a meeting of the minds on issues important to both.'' *Id.* at 4. After providing notice and an opportunity for

[2] In narrowing the ICC's ability to reject through route and joint rate cancellations, these statutory reforms ''implicitly modified prior regulatory barriers,'' like the commercial closing doctrine, *Baltimore Gas & Electric,* 817 F.2d at 112, which the ICC later abandoned, *Standards for Intramodal Rail Competition,* EP 445, slip op. at 5 n.7. Ultimately, ICCTA repealed the statutory provisions that governed cancellations of joint rates and through routes. As explained by the Senate Committee on Commerce, Science, and Transportation, those provisions had achieved their purpose of allowing carriers an avenue of relief from unremunerative joint rates and were rendered obsolete by ICCTA's elimination of most rail tariffs. S. Rep. No. 176, 104th Cong., 1st Sess. (1995).

[3] In determining the public interest under 49 U.S.C. 10705(a), the agency has historically considered the interests of the general public, including shippers, affected by the relevant movements as well as the carriers participating in the routes, and has considered factors including (but not limited to) the economy, efficiency, and feasibility of the route; the practicability of the movement; the impact the route has on all the parties involved; and whether the route represents a departure from a well-established routing for the traffic. *See Canexus Chems. Canada L.P.* v. *BNSF Ry.,* NOR 42131, slip op. at 9 (STB served Feb. 8, 2012). ''This is a test driven by the facts and the record complied in [the] case.'' *Id.*

[4] The prescription of a through route would ''short haul'' a rail carrier if the carrier would be required to transfer the shipment to another rail carrier without having used the full length of its own track (or an affiliate's track) between the point of origin and the final destination. *See* 49 U.S.C. 10705(a)(2).

[5] The term ''reciprocal switching'' refers to transfers between rail carriers that take place within the terminal area in which the shipment originates or ends and that are incidental to a line haul. Under a reciprocal switching agreement, the rail carriers that serve a terminal area agree to undertake such transfers at the shipper's election, subject to operating requirements that are established through the agreement. The agreement promotes intramodal competition by allowing participating rail carriers to offer line haul service to/from shippers' facilities in the terminal area that are not directly connected to that carrier's tracks. The switching carrier (the carrier on whose tracks the shipper's facility is located) earns a fee for performing the transfer but does not participate in the line haul and therefore does not earn line-haul revenues. *See Reciprocal Switching for Inadequate Serv.,* EP 711 (Sub-No. 2) (STB served Apr. 30, 2024).

[6] The ''practicable and in the public interest'' set forth in section 11102(c) has been interpreted to require ''some actual necessity or compelling reason,'' which has itself been interpreted to require a ''finding of inadequate service by the incumbent rail carrier.'' *Grand Trunk Corp.* v. *STB,* 143 F. 4th 741, 749, 751 (7th Cir. 2025).

[7] The agency has indicated that it would ''consider all types of competition'' in determining whether an agreement is ''necessary to provide competitive rail service'' under section 11102(c). *Midtec Paper Corp.* v. *Chi. & NW Transp. Co.,* 1 I.C.C.2d 362, 369 (1985).

[8] The ICC also initiated an industry-wide study of changes brought about by Staggers, noting that such an approach would be far more useful than attempting to establish new standards through a rulemaking, ''and in conjunction with ongoing adjudications, should address the concerns expressed by many commenters.'' *Id.* at 14–15.

[9] A subsequent joint petition was filed by the AAR and the Chemical Manufacturers Association (CMA) that clarified the negotiated NITL–AAR agreement. *Original 1144 Final Rule,* 1 I.C.C.2d at 822.

comment, the ICC adopted the regulations proposed by NITL and AAR, with some modification. *See Intramodal Rail Competition (Original 1144 Final Rule),* 1 I.C.C.2d 822 (1985). As the agency explained, the adoption of these regulations was ''responsive to two basic principles'': (i) that the regulations be consistent with statutory requirements; and (ii) that they ''be acceptable to as broad a section of the marketplace as possible.'' *Original 1144 NPRM,* EP 445 (Sub-No. 1), slip op. at 4. The ICC advanced the first principle by explaining how the proposed regulations complied with statutory requirements then in effect, and making certain modifications not at issue here, *Original 1144 Final Rule,* 1 I.C.C.2d at 824–31, and it advanced the second principle by ''preserv[ing] to the maximum extent possible'' what had been proposed by NITL and AAR, *id.* at 823.

NITL and AAR's proposed regulations included a number of provisions related to the suspension and investigation of joint rate and through routes cancellations, which the Board subsequently removed by a direct-to-final rule after ICCTA removed the underlying statutory authority. *See Removal of Joint Rate Cancellation Reguls.,* 67 FR 61290 (Sept. 30, 2002); *see also supra* note 2. As relevant here, NITL and AAR also proposed—and the Board adopted—a provision providing for the prescription of a through rate, joint rate, or reciprocal switching agreement only where ''necessary to remedy or prevent an act contrary to the competition policies of 49 U.S.C. 10101 or which is otherwise anticompetitive.'' *Compare Original 1144 NPRM,* EP 445 (Sub-No. 1), slip op. at 8 *with Original 1144 Final Rule,* 1 I.C.C.2d at 841 *and* 49 CFR 1144.2(a)(1). The ICC later explained that the ''essential questions'' under this anticompetitive conduct test are (i) whether the railroad has used its market power to extract unreasonable terms on through movements; or (ii) whether because of the railroad's monopoly position it has shown a disregard for the shipper's needs by rendering inadequate service. *Midtec Paper Corp.* v. *Chi. & N.W. Transp. Co.,* 3 I.C.C.2d 171, 181 (1986), *aff'd sub nom. Midtec Paper Corp.* v. *United States,* 857 F.2d 1487 (D.C. Cir. 1988).[10] By adopting the proposed regulations, the ICC ''narrow[ed] the agency's discretion under section 1110[2]'' to grant relief to only those circumstances where there is a ''reasonable fear of anticompetitive behavior.'' *Midtec,* 857 F.2d at 1500.

NITL and AAR's proposed regulations further included a so-called ''standing'' requirement—also adopted by the ICC—providing that a shipper or carrier seeking a through route, through rate, or reciprocal switching prescription demonstrate that it has utilized or would utilize the through route, through rate, or reciprocal switching to meet a significant portion of its transportation needs or move a significant portion of traffic. *Compare Original 1144 NPRM,* EP 445 (Sub-No. 1), slip op. at 8, *with Original 1144 Final Rule,* 1 I.C.C.2d at 841, *and* 49 CFR 1144.2(a)(1). This provision was responsive to a statutory requirement—since removed—prohibiting the ICC from suspending cancellation of a through route and/or a joint rate unless it appeared that failure to suspend would cause substantial injury to the protestant. *Intramodal Rail Competition,* 1 I.C.C.2d at 825–26, 830; *see also supra* note 2. And, finally, with respect to the prescription of through routes, joint rates, and reciprocal switching, NITL and AAR's agreement provided that (i) the agency would not consider product competition, (ii) the railroad would have to prove the existence of geographic competition by clear and convincing evidence (if it ''wishes to rely in any way on geographic competition''), and (iii) overall revenue adequacy of the defendant railroad shall not be a basis for denying a prescription that is necessary to remedy or prevent an anticompetitive act. *See Original 1144 NPRM,* EP 445 (Sub-No. 1), slip op. at 9. The ICC adopted these provisions with minimal change, *Original 1144 Final Rule,* 1 I.C.C.2d at 841, and to them added (based on an alternative proposal by a group of regional railroads, Railroads Against Monopoly) that any such prescription proceedings would be conducted on an expedited basis, *Original 1144 Final Rule* 1 I.C.C.2d at 841 and 49 CFR 1144(b)(4).

On judicial review, the D.C. Circuit found that, overall, part 1144 reflected a ''reasonable accommodation of the conflicting policies set out'' at 49 U.S.C. 10101. *Baltimore Gas & Electric,* 817 F.2d at 115. The court noted how the rule accommodated railroads' needs in avoiding participation in unremunerative and inefficient through routes with shippers' needs in setting aside anticompetitive through route cancellations and ''preserving and enhancing'' competition, while ''at the same time restrict[ing] the circumstances'' under which agency would order a through route, joint rate, or reciprocal switching prescription. *Id.* The Court also rejected an argument that the ICC unlawfully delegated its authority to create regulations, notwithstanding that they ''differ[ed] little from the private parties' proposal.'' *Id.* at 117.

While concluding that part 1144 (as it was then structured) reflected a permissible accommodation of the ''conflicting'' policies set out in the agency's governing statute, the court left open the possibility that the agency could reach a different and equally permissible balance. *Id.* at 115 (noting that not all policies ''point in the same direction''). A subsequent decision by the D.C. Circuit expressly confirmed that adoption of the anticompetitive conduct test was not compelled by the statute but was instead the product of a permissible ''narrow[ing of] the agency's discretion.'' *Midtec,* 857 F.2d at 1500.

Criticisms of Part 1144

In the 40 years since its adoption, part 1144 has been rarely invoked, and the agency has never issued a prescription under its framework. For years, shippers and shipper groups such as NITL—collectively representing agricultural, manufacturing, energy, and other businesses that use rail, many of which are small and medium-sized with limited to no transportation choice—have argued that part 1144's requirement of anticompetitive conduct, as interpreted by the Board, has ''set an unrealistically high bar for shippers to obtain'' competitive access. *E.g., Pet. for Rulemaking to Adopt Revised Switching Rules* (*2016 Switching NPRM*), EP 711 et

[10] The agency explained in *Midtec* that it would consider ''classical categories of competitive abuse: foreclosure; refusal to deal; price squeeze; or any other recognizable forms of monopolization or predation,'' as well as whether there was any ''evidence of abuses'' under the competitive standards of the Rail Transportation Policy (RTP), ''including inadequate service or excessive prices.'' *Midtec,* 3 I.C.C.2d at 173–74. In the latter category of cases, to show entitlement to relief under part 1144, evidence of market power is not enough; rather, the petitioner must demonstrate that the carrier *abused* that market power through affirmative, anticompetitive conduct. *See Shenango Inc.* v. *Pitt., Chartiers & Youghiogheny Ry.,* 5 I.C.C.2d 995, 1001 (1989) (''[A] finding of market dominance does not show that the carrier has behaved anticompetitively, nor is it grounds in itself for imposing a competitive access remedy . . . . Rather, it relates to the structure of the market in which the carrier operates and the potential for market abuse power, not to the carrier's actual conduct.''); *Vista Chem. Co.* v. *Atchison, Topeka & Santa Fe Ry.,* 5 I.C.C.2d 331, 338 (1989) (explaining that evidence of uncompetitive rates is not ''dispositive,'' but ''serves as a background against which to evaluate the defendant's conduct and with which to assess the likelihood of future anticompetitive conduct''); *Midtec,* 3 I.C.C.2d at 181 (same); *see also Golden Cat Div. of Ralston Purina Co.* v. *St. Louis Sw. Ry.,* NOR 41550, slip op. at 9 (STB served Apr. 25, 1996) (asking whether the carrier has ''used any competitive market power over [the shipper] to its own advantage through the provision of inadequate service'').

al., slip op. at 8 & n.8 (STB served July 27, 2016) (summarizing comments from the National Grain and Feed Association, the Agricultural Retailers Association, the National Chicken Council, the National Association of Wheat Growers, the National Council of Farmer Cooperatives, the National Corn Growers Association, E.I. du Pont de Nemours & Co., Consumers United for Rail Equity, and the U.S. Department of Agriculture); NITL Pet. for Rulemaking 16 (July 7, 2011), EP 711.[11] In the *2016 Switching NPRM,* the Board emphasized that the ''sheer dearth of cases'' brought in the three decades since the *Original 1144 Final Rule* was propounded ''despite continued shipper concerns about competitive options and quality of service, suggests that part 1144 and *Midtec* have effectively operated as a bar to relief rather than as a standard under which relief could be granted.'' *2016 Switching NPRM,* EP 711, slip op. at 8–9. Noting that the constrained approach taken in the part 1144 regulations emerged from ''decades of inefficiencies and serial bankruptcies,'' the Board cited the ''many changes that have occurred in the rail industry'' since then, including, the improved economic health of the railroad industry, the increased consolidation of Class I railroads, increased productivity and technological advances, and other reasons. *Id.* at 9.[12] The Board stated that the anticompetitive conduct standard makes ''less sense in today's regulatory and economic environment.'' *Id.*[13]

In the *2016 Switching NPRM,* the Board proposed new regulations to govern the prescription of reciprocal switching orders. Under the proposed regulations, the petitioner would no longer need to show anticompetitive conduct or that it has or would use the prescribed switch for a significant amount of traffic. *2016 Switching NPRM,* EP 711, slip op. at 9, 26 (''[T]he Board proposed to reverse that policy'' of a ''competitive abuse standard.'') With regard to the ''necessary to provide competitive rail service'' standard, the Board proposed prescribing reciprocal switching based on a lack of intermodal and intramodal competition. *Id.* at 41–42.[14] Rail carriers who opposed the proposed rule argued that Congress authorized the Board to compel switching only upon a showing of anticompetitive behavior and, even if not, removing that requirement would be misguided as a matter of policy because it ''would drive rates down to the point of undermining carriers' ability to raise sufficient capital'' and lead to ''economically inefficient'' switching arrangements. *Reciprocal Switching,* EP 711 (Sub-No. 1), slip op. at 5 (STB served Dec. 28, 2021). Other commenters—including NITL and the American Chemistry Council (the successor organization to the CMA)—continued to urge the Board to revise the existing regulations to make switching arrangements more available, while also seeking more specific standards or thresholds for when the Board would require the establishment of a switching arrangement. *Id.*

Ultimately, the Board decided not to adopt the regulations proposed in the *2016 Switching NPRM* and instead to advance a new rule in which it would prescribe a reciprocal switching agreement under the ''practicable and in the public interest standard,'' without invoking the ''necessary to provide competitive rail service'' standard, based on certain objective performance standards. *See id.* at 5–6 (explaining that the Board shifted focus given major service problems that emerged subsequent to the *2016 Switching NPRM*); *see also Reciprocal Switching for Inadequate Rail Serv. (Part 1145 Final Rule),* EP 711 (Sub-No. 2) (STB served Apr. 30, 2024).[15] The rule, codified at 49 CFR part 1145, was subsequently vacated after the reviewing court found that the ''practicable and in the public interest'' standard in section 11102(c) requires a finding of inadequate service, *see supra* note 6, and that part 1145 exceeded the Board's authority because it did not mandate such a determination. *Grand Trunk,* 143 F.4th at 754. That remanded proceeding remains pending before the Board.

Shippers, shipper associations, and others have continued to argue that the anticompetitive conduct standard in part 1144 remains an impediment to relief and have called for its reversal. Indeed, NITL, ACC, The Fertilizer Institute (TFI), U.S. Department of Transportation and Federal Railroad Administration, International Warehouse Logistics Association, Celanese Corporation, Freight Rail Customer Alliance, National Coal Transportation Association, Portland Cement Association, Olin Corporation, and National Mining Association all reiterated their long-time requests that the Board ''overturn[ ] the 'anti-competitive conduct test' '' in their comments on 49 CFR part 1145. *See Part 1145 Final Rule,* EP 711 (Sub-No. 2), slip op. at 5.

Most recently, in response to a U.S. Department of Justice (DOJ) initiative launched to investigate anticompetitive state and federal laws and regulations,[16] NITL called for partial repeal of 49 CFR part 1144. *See* NITL Comments 4, ATR–2025–0001, Anticompetitive Regulations Task Force (May 27, 2025).[17] NITL emphasized that the part 1144 regulations ''have never been successfully applied to promote or restore rail competition'' in the 40 years since their adoption, and given the ''daunting precedent'' under the anticompetitive conduct standard, no requests for such an arrangement have been filed in the last 30 years. *See id.* at 4, 8 & n.21 (noting that the four petitions for reciprocal switching filed under 49 CFR part 1144 all resulted in denials). Unlike in the proceeding surrounding the *2016 Switching NPRM,* NITL did not argue for replacement regulations, but rather for ''case-by-case adjudications'' under the specific facts and circumstances and based on the ''broader standards in the statute.'' *Id.* at 10–11. ACC argued that ''the Board can provide significant regulatory relief and reduce barriers to competition simply by rescinding the [part] 1144

[11] While the *2016 Switching NPRM* focused on reciprocal switching, the Board proposes here to revoke 49 CFR part 1144 in its entirety. As explained further below, parties are encouraged to comment on whether the Board should limit its revocation only to those aspects of 49 CFR part 1144 that pertain to reciprocal switching.

[12] The Board categorizes rail carriers into three classes: Class I, Class II, and Class III, based on each carrier's annual operating revenue. Class I rail carriers generate the most revenue. At present, there are six Class I carriers. Each operates across a vast territory. Most areas of the United States are served by at most two Class I carriers.

[13] Senators have also told the Board that ''the current rules are not working'' and urged the Board to revise its rules to make reciprocal switching more available ''so that freight rail shippers have more options and better service.'' Comment of Senators Tammy Baldwin, David Vitter, and Al Franken (Oct. 10, 2014), EP 711.

[14] The Board also proposed prescribing switching under the ''practicable and in the public interest standard'' based on certain enumerated, non-exhaustive factors.

[15] Under the vacated Part 1145 Final Rule, the Board would prescribe a reciprocal switching agreement where the rail carrier failed to meet one of three objective standards designed to address the following aspects of the rail carrier's performance: reliability in time of arrival, consistency in travel time, and reliability in providing first-mile/last-mile service. *Part 1145 Final Rule,* EP 711 (Sub-No. 2), slip op. at 142–47. Prescription was subject to the Board's consideration of affirmative defenses and claims that any such prescription would be operationally infeasible or would unduly impair the service to other customers. *Id.* at 150–51; *see also id.* at 147–48 (describing affirmative defenses).

[16] DOJ launched its Anticompetitive Regulations Task Force in response to Executive Order 14192, which directs federal agencies to ''alleviate unnecessary regulatory burdens placed on the American people.'' *See Unleashing Prosperity Through Deregulation,* 90 FR 9065 (Jan. 31, 2025).

[17] NITL proposed repealing the regulation just as it pertains to reciprocal switching. It offered no explanation for why it does not similarly ''advocate for repeal of [the part 1144] regulations to the extent they apply to prescriptions of railroad through rates and through routes.'' *Id.* at 4 n.6.

regulations,'' thereby ''creat[ing] a clean slate for shippers to seek reciprocal switching under the Board's statutory authority.'' ACC Comments at 2–3, ATR–2025–0001, Anticompetitive Regulations Task Force (May 27, 2025). And TFI ''put it bluntly'': ''the anticompetitive conduct standard is a regulatory barrier to achieving the congressionally established objective of competitive rail service and to advancing the Administration's goal of increasing competition and growing American business.'' TFI Comments at 3, ATR–2025–0001, Anticompetitive Regulations Task Force (May 27, 2025).

Discussion and Conclusions

The Board is ''free to change'' an existing regulation or policy so long as it ''provides a reasoned explanation for the change.'' *Encino Motorcars, LLC* v. *Navarro,* 579 U.S. 211, 221 (2016). The Board must ''display awareness that it is changing position,'' show that there are ''good reasons for the new policy,'' and consider ''serious reliance interests.'' *Id.* at 221–22 (citing *FCC* v. *Fox Tele. Stations, Inc.,* 556 U.S. 502, 515 (2009)); *see also FDA* v. *Wages & White Lion Invs., LLC,* 604 U.S. 542, 568 (2025). The Board need not necessarily ''provide a more detailed justification than what would suffice for a new policy created on a blank slate.'' *Encino Motorcars,* 579 U.S. at 221. Any new policy must be consistent with ''statutory jurisdiction, authority, or limitations'' or within ''statutory right.'' 5 U.S.C. 706. For the following reasons, the Board proposes to repeal part 1144 and to consider the prescription of through routes and reciprocal switching agreements on a case-by-case basis under the applicable statutory standards.

Repeal of Part 1144

As the Board has already explained, nothing in the plain language of 49 U.S.C. 11102 mandates that the Board prescribe a reciprocal switching agreement only when necessary to remedy or prevent an anticompetitive act. *See 2016 Switching NPRM,* EP 711 (Sub-No. 1), slip op. at 10.[18] Indeed, the court in *Midtec* made clear that 49 U.S.C. 11102(c) ''is cast in discretionary terms.'' *Midtec,* 857 F.2d at 1499. The same must be said for 49 U.S.C. 10705, which is cast in even more discretionary language. *See* 49 U.S.C. 10705(a) (providing that the Board ''may'' prescribe through route and joint rates and ''shall'' do so when it finds it ''desirable in the public interest''). Thus, the Board may ''narrow [its] discretion'' to prescribe a reciprocal switching agreement or prescribe through routes ''where it believes [granting relief under the statute] would be unwise as a matter of policy,'' *Midtec,* 857 F.2d at 1499, and it ''did just that'' when it adopted the anticompetitive conduct standard, *id.* at 1500. It follows that if the Board can narrow its discretion when ''wise'' to do so, then necessarily the Board can choose to no longer narrow its discretion in the same manner when it has sound reasons for changing course. *See 2016 Switching NPRM,* EP 711 (Sub-No. 1), slip op. at 12 (''If the ICC was able to narrow its discretion, by implication, it must also be able to broaden its discretion, so long as the agency does not exceed the limitations set forth in the statute.'').[19] The Board is choosing to restore its discretion here to the full extent provided by the statute in order to better effectuate Congressional intent.

There are ample reasons for repealing part 1144. As an initial matter, the agency adopted these regulations in large part because NITL and CMA (now ACC) asked for them, and one of the two ''basic principles'' underlying the rule—that it be ''acceptable to as broad a section of the marketplace as possible'' (*Original 1144 NPRM,* EP 445 (Sub-No. 1), slip op. at 4)—clearly no longer applies.[20] Neither the rule's original shipper proponent, NITL, nor seemingly any other shipper group (including ACC) finds it acceptable, at least as applied to reciprocal switching. *See supra* pp. 7–10, 9 n.17. And it makes little sense to continue to hold shippers to NITL's 1985 agreement with AAR that was rendered largely obsolete by subsequent statutory and regulatory changes. Indeed, much of the original rule at part 1144 concerned through route and joint rate suspensions and investigations. *See Original 1144 Final Rule,* 1 I.C.C.2d at 839–41. But as noted above, those parts were abrogated by ICCTA's termination of tariff requirements and resulting elimination of the Board's authority to set aside proposed joint rate cancellations. *See supra* note 2. Part 1144 is the vestige of an agreement that essentially no longer exists.

Even more fundamentally, removing part 1144 is sound policy because it eliminates what appears to have created, in practice, an unnecessarily high barrier to statutory relief. No doubt always requiring a petitioner to demonstrate the ''classical categories of competitive'' abuse, or some other type of abusive, anticompetitive conduct under the standards of the RTP—requirements that nowhere exist in section 10705 or section 11102(c)—presents a regulatory impediment to cases that might otherwise be meritorious under those statutory provisions. Indeed, that there remains a ''dearth of cases'' under part 1144 continues to suggest (strongly) that the anticompetitive conduct requirement within part 1144 effectively operates as a bar to relief. And shippers continue to complain that the anticompetitive conduct requirement presents an ''insuperable barrier'' to promoting competition. *E.g.,* NITL Comments 10, Anticompetitive Regulations Task Force, ATR 2025–0001; NITL Comments 11, Apr. 12, 2011, *Competition in the R.R. Indus.,* EP 705. The Board sees no compelling reason to keep in place a rule that substantially narrows the set of cases that may be brought under sections 10705 and 11102(c), especially where the Board can develop more flexible standards for today's rail environment via case-by-case adjudication.

The rail industry has changed significantly since the 1980s, further leading to part 1144's obsolescence. Over more than 40 years, extensive line rationalization and consolidations have impacted the network structure and carrier interactions.[21] They have also

[18] Notwithstanding the rail carriers' arguments in response to the *2016 Switching NPRM* that such a showing of anticompetitive conduct is statutorily mandated, none raised that argument directly in their later comments or litigation pleadings regarding part 1145, which did not include such a standard. *See* CPKC Reply 5 n.2 (Dec. 20, 2023) (citing *Midtec,* 857 F.2d at 1507 for the proposition that 49 U.S.C. 11102(c) has been held to ''have a limited scope and cannot be used to restructure the industry,'' but not contending that an anticompetitive conduct showing is required), EP 711 (Sub-No 2).

[19] In the *2016 Switching NPRM,* the Board rebutted rail carrier arguments that Congress somehow mandated—as a matter of legislative ratification—the anticompetitive conduct standard when it passed ICCTA and reenacted 49 U.S.C. 10705 and 11102(c) without change. *See 2016 Switching NPRM,* EP 711 (Sub-No. 1), slip op. at 10–13. As the Board explained, if Congress ratified anything, it was simply that the agency had discretion under those provisions to impose such a standard, not that it was required to do so. *Id.* at 12–13. The Board's 2016 conclusion regarding ratification remains accurate and parties are free to comment further on this issue.

[20] The other ''basic principle''—consistency with statutory requirements—is met here where the Board has authority to no longer narrow its discretion and may resolve requests for through route, joint rate, and reciprocal switching prescriptions through the adjudicatory process. *See infra* pp. 13–14.

[21] In the twenty years following Staggers' passage in 1980, Class I carriers shed tens of thousands of miles of track. *See* U.S. Dep't of Transp., Bureau of Transp. Stat., Transp. Stat. Annual Report 2023 (Washington, DC: 2023), at 1–28, available at: *https://doi.org/10.21949/1529944;* Transp. Rsch. Bd. of the Nat'l Academies (TRB), Modernizing Freight Rail Regul. (Washington, DC: 2015), at 27 (''By 1995, Class I railroads had learned to make much more intensive use of their inputs and assets:

Continued

contributed to a rail industry that today is significantly healthier financially than it was forty years ago. For example, under the Board's annual revenue adequacy determination, no Class I rail carrier was earning adequate revenues forty years ago, *see* 102d Annual Report of the Interstate Commerce Commission 104 (1989), and now five of the now-six Class I carriers that remain today have earned adequate revenues for at least two of the past four years, *see Railroad Revenue Adequacy,* EP 552 (Sub-No. 27) (STB served Sept. 5, 2023); EP 552 (Sub-No. 26) (STB served Sept. 6, 2022). Indeed, since 2004, Class I carriers' revenue growth has outpaced inflation amid declining ton-miles. *See* TRB, Modernizing Freight Rail Regul., at 28–29, Table 1–1; STB, Office of Econ., Annual Rail Rate Study Index: 1985–2022 (June 5, 2024), at 2; *see also* U.S. Bureau of Transp. Stat. at n.21. Thus, the problems of inefficient routes and insolvent railroads that so concerned Congress and the agency at the time of part 1144's adoption, and which underpinned the accommodation reached by AAR and NITL (and CMA, which is now the ACC), are of far less concern today. Continuing to rigidly narrow the Board's statutory discretion, by regulation, to prescribe reciprocal switching and through routes only when the carrier has taken steps to abuse its market power is no longer warranted. As discussed below, a case-by-case approach under the applicable statutory standards would permit the Board to consider current rail operations, carrier revenue needs, concerns regarding the particular competitive situation, and other important issues.

The other provisions of part 1144 also appear to be obsolete or unnecessary. As noted above, the requirement that the petitioning shipper or carrier show that it has used or would use the through route or reciprocal switching agreement to meet a ''significant' portion of its transportation needs or move a ''significant'' portion of its traffic corresponds to a statutory provision that no longer exists. *See* 49 CFR 1144.2(a)(2); *Original 1144 Final Rule,* 1 I.C.C.2d at 825 (explaining that former 49 U.S.C. 10707(c)(1)(B) prohibited suspension of a through route or joint rate cancellations unless failure to suspend would cause ''substantial injury''). As the Board remarked in 2016, it is ''not necessary'' to include such a requirement as a prerequisite to a prescription under section 10705(a) or section 11102(c). *See 2016 Switching NPRM,* slip op. at 26–27. The Board is also concerned about, and seeks comment on, the possibility that this requirement could have the effect of locking out small businesses from seeking competitive-access relief. Further, part 1144's restrictions on product and geographic competition evidence are unnecessary because—in light of the Board's findings on the burden of such evidence as part of the market dominance inquiry in rate proceedings under 49 U.S.C. 10707—the Board anticipates excluding evidence of product and geographic competition from such proceedings. *See 2016 Switching NPRM,* EP 711 (Sub-No. 1), slip op. at 27 (noting that consideration of product and geographic competition is not statutorily required and imposes a ''substantial burden'' on the Board and parties) (citing, *e.g., Mkt. Dominance Determinations—Prod. & Geographic Competition,* 3 S.T.B. 937 (1998)). Under the case-by-case approach, however, any rail carrier wishing to present such evidence in an individual proceeding should indicate that it intends to do so early on so that the Board may consider whether and to what extent the evidence may be presented. Finally, the Board also anticipates continuing to conduct such proceedings expeditiously, even if that commitment is not memorialized in a regulation.

Case-by-Case Adjudication

Upon repeal of part 1144, the Board would consider the prescription of through routes, through rates, and reciprocal switching agreements on a case-by-case basis under the applicable statutory standards at 49 U.S.C. 10705(b) and 11102(c), which may be further refined through agency adjudication under the standards set forth in the Administrative Procedure Act, 5 U.S.C. 706.[22] It is well established that agencies may regulate by rulemaking or adjudication, and it is clearly within the Board's discretion to act by adjudication under 49 U.S.C. 10705 and 11102(c); neither provision requires the Board to act by rule. *See, e.g., Shalala* v. *Guernsey Mem'l Hosp.,* 514 U.S. 87, 96 (2003) (''The APA does not require that all the specific applications of a rule evolve by further, more precise rules rather than by adjudication.''); *NLRB* v. *Bell Aerospace Co.,* 416 U.S. 267, 295 (1974) (agency ''is not precluded from announcing new principles in an adjudicative proceeding and . . . the choice between rulemaking and adjudication lies in the first instance within the [agency's] discretion''); *SEC* v. *Chenery Corp.,* 332 U.S. 194, 203 (1947) (''[A]gency must retain power to deal with the problems on a case-to-case basis if the administrative process is to be effective.''). Indeed, the agency originally resolved to address post-Staggers petitions for through routes and reciprocal switching on a ''case-by-case'' basis, emphasizing how adjudication ''lends itself to the in-depth analysis of unique fact patterns required by the statute.'' *Standards for Intramodal Rail Competition,* EP 445, slip op. at 12–13.[23] The agency passed part 1144 only after NITL and AAR (and CMA) requested its adoption based on the parties' agreement. *Original 1144 Final Rule,* 1 I.C.C.2d at 823. Moreover, reversion to a case-by-case adjudicative approach is consistent with the ''two basic principles'' that drove adoption of part 1144 in the first instance, *Original 1144 NPRM,* EP 445 (Sub-No. 1), slip op. at 4: it is plainly ''consistent with statutory requirements'' and reflects the current lack of ''broad'' support in the marketplace for more defined standards.

Critically, by acting through adjudication here, the Board would have the opportunity to consider parties' legal and policy arguments and to identify relevant factors in the context of specific circumstances. For example, in response to prior proposals to replace the standards and processes in part 1144 with new regulations, rail carriers have argued that changes to the Board's existing reciprocal approach ''would upset[ ] reliance interests built around the Board's existing framework. . . .'' *See* AAR Further Suppl. Comments 4, Apr. 4, 2022, *Reciprocal Switching,* EP 711 (Sub-No. 1); *see also* CSX Transportation Reply Comments 6 n.16, Jan. 13, 2017; *id.* (arguing that capital investments ''have been made in reliance on the current regulatory scheme''). But these rail carriers would be free to argue, and attempt to demonstrate, adverse impacts from a potential through route or switch prescription based on investments and other expenses they may have incurred in reliance on the anticompetitive

ton-miles per track mile tripled, ton-miles per carload nearly doubled, and tons per train grew by nearly 60 percent compared with 1970.''), available at *https://www.nationalacademies.org/read/21759.*

[22] Commenters may propose suggestions for the conduct of these proceedings, including expectations regarding case initiation, discovery, evidence, and burden of proof, which the Board would consider incorporating into a non-binding guidance document. But as explained above, the Board anticipates that the standards for the granting of a switching or through route prescription would be further developed through case-by-case adjudication, as NITL and others have requested.

[23] The agency did precisely that in *Del. & Hudson Ry.* v. *Consol. Rail Corp.,* 367 I.C.C. 718 (1983), and *Cent. States Enters., Inc.* v. *Seaboard Coast Line R.R.,* NOR 38891 (ICC served May 15, 1984), *aff'd sub nom. Cent. States Enters., Inc.* v. *ICC,* 780 F.2d 664 (7th Cir. 1985).

conduct standard. Nothing within section 10705 or section 11102(c) would appear to preclude the Board from declining to prescribe relief based on such ''reliance interests.'' *Wages & White Lion,* 604 U.S. at 568; *see also Midtec,* 857 F.2d at 1499 (''T[he [agency] is under no mandatory duty to prescribe reciprocal switching where it believes that doing so would be unwise as a matter of policy.'') Likewise, shippers would be free to argue that their existing rail service has not met whatever expectations they may have had when they made their own investment decisions related to securing and facilitating rail service. The Board would also be able to consider, and guard against, decisions that, if applied consistently as precedent, could lead to a ''radical restructuring of the railroad regulatory scheme,'' *Baltimore Gas & Electric,* 817 F.2d at 115, or other policy problems related to revenue adequacy.

Alternative Proposal: Partial Repeal of Part 1144

The Board specifically seeks comments on whether it should partially repeal part 1144 as it applies to reciprocal switching but leave the regulation in place as to the prescription of through routes and through rates.

Seemingly all of the Board's reasons given above for repealing part 1144, and replacing it with a case-by-case adjudicatory approach under the governing statutory provisions, apply just as much to through route and through rate prescription as they do to the prescription of reciprocal switching agreements. The anticompetitive conduct and standing requirements, as applied to both forms of competitive access, were the product of a consensus among railroads and shippers that no longer exists and a statute that has since been significantly amended. *See supra* pp. 5–6. And there has likewise been a dearth of petitions for through routes filed with the Board over the years, with the agency (both ICC and Board) having never prescribed a through route or joint rate under part 1144's framework. *See Canexus Chemicals,* NOR 42131, slip op. at 10 n.50 (prescribing through route in proceeding where the parties had agreed that part 1144 did not apply to ''review of this dispute''). Moreover, the agency's decision to narrow its discretion by requiring an anticompetitive conduct threshold showing with respect to through routing and joint rate prescriptions would appear to make no more ''sense in today's regulatory and economic environment'' than it does with respect to switching. *2016 Switching NPRM,* EP 711 (Sub-No. 1) at 9.[24]

Nonetheless, NITL and others have indicated interest in the repeal of part 1144 ''only as to prescriptions of reciprocal switching arrangements and . . . do[ ] not advocate for repeal of those regulations to the extent they apply to prescriptions of through rates or through routes,'' NITL Comment at 4 n.6, Anticompetitive Regulations Task Force, ATR–2025–0001. In other proceedings, the Board has also considered iterative approaches that would modify the reciprocal switching regulations but not disturb the regulations as they apply to through routes. *See 2016 Switching NPRM,* EP 711 et al.; *Part 1145 Final Rule,* EP 711 (Sub-No. 2). Accordingly, the Board seeks comment on whether its repeal of part 1144 should be so limited.

Environmental Review

The proposed action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601–612, generally requires a description and analysis of new rules that would have a significant economic impact on a substantial number of small entities. *White Eagle Coop. Ass'n* v. *Conner,* 553 F.3d 467, 480 (7th Cir. 2009). Here, the Board proposes to repeal existing rules, and those rules are not directed at small entities.[25] Accordingly, pursuant to 5 U.S.C. 605(b), the Board certifies that the proposed action would not have a significant economic impact on a substantial number of small entities within the meaning of the Act. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

Paperwork Reduction Act

Under the Paperwork Reduction Act and regulations thereunder, *see* 44 U.S.C. 3501–3521 and 5 CFR 1320.8(d)(3), the Board must assess whether proposed rules would impose burdens with respect to the collection of information. Here, the Board proposes to repeal existing rules, and those rules do not relate to the collection information. The proposed action therefore imposes no burdens within the meaning of the Act.

Executive Order 12866 (Regulatory Planning and Review) and Executive Order 14192 (Unleashing Prosperity Through Deregulation)

Executive Order 12866, as modified by Executive Order 14215, provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is significant under section 3(f) of Executive Order 12866. This action is considered an Executive Order 14192 deregulatory action.

Repealing part 1144 would allow the Board to consider the prescription of through routes, through rates, and reciprocal switching agreements on a case-by-case basis under the applicable statutory standards alone. This will remove an unnecessarily high barrier to competition in freight rail transportation without negatively impacting operations or investment decisions by carriers. Should part 1144 be repealed, the Board anticipates that, at least initially, there may be an increase in the number of matters that shippers bring before the Board for resolution under the statutory standards than have historically been brought under the part 1144 regulations, with associated administrative costs for carriers, shippers and the Board in resolving such matters. While the results, and quantitative impacts, of future case-by-case adjudications are uncertain, increasing competitive options for shippers can lead to better service and lower rates. These more efficient market outcomes may be the result of Board-ordered relief, but additionally, increased access to the Board may also incentivize carriers and shippers to privately negotiate competitive solutions to avoid further Board intervention. The Board anticipates that this rule will be net deregulatory, as the benefits of a more competitive market resulting from removing these regulatory barriers will outweigh any increase in administrative

[24] At all times, parties are free to argue that the anticompetitive conduct standard should not apply to proceedings to establish terminal trackage rights under 49 U.S.C. 11102(a), *see Midtec,* 3 I.C.C.2d at 177–78, as was done recently based on the facts of that particular matter, *see Commuter Rail Div. of the Reg'l Transp. Auth.—Terminal Trackage Rights—Union Pac. R.R.,* FD 36844, slip op. at 23–25 (STB served Sept. 3, 2025).

[25] For the purpose of RFA analysis for rail carriers subject to the Board's jurisdiction, the Board defines a ''small business'' as including only those rail carriers classified as Class III rail carriers under 49 CFR 1201.1–1. *See Small Entity Size Standards Under the Regul. Flexibility Act,* EP 719 (STB served June 30, 2016). Class III rail carriers have annual operating revenues of $46.3 million or less in 2022 dollars. Class II rail carriers have annual operating revenues of less than $1.03 billion but more than $46.3 million in 2022 dollars. The Board calculates the revenue deflator factor annually and publishes the railroad revenue thresholds in decisions and on its website. 49 CFR 1201.1–1; *Indexing the Ann. Operating Revenues of R.Rs.,* EP 748 (STB served June 29, 2023).

or other costs borne by shippers, carriers, or the Board.

List of Subjects in 49 CFR Part 1144

Common carrier, Freight, Railroads, Rates and fares, and Shipping.

It is ordered:

1. The Board proposes to amend its regulations by repealing part 1144 thereof. Notice of the proposed action will be published in the **Federal Register**.

2. Comments are due by March 10, 2026. Reply comments are due by April 24, 2026.

3. A copy of this decision will be served upon the Chief Counsel for Advocacy, Office of Advocacy, U.S. Small Business Administration.

4. This decision is effective on its date of service.

Decided: January 6, 2026.

By the Board, Board Members Fuchs, Hedlund, and Schultz.

Jeffrey Herzig,

Clearance Clerk.

For the reasons set forth in the preamble, the Surface Transportation Board proposes to amend title 49, chapter X, subchapter B of the Code of Federal Regulations as follows:

PART 1144—[REMOVED AND RESERVED]

■ 1. Remove and reserve part 1144, consisting of §§ 1144.1 through 1144.3.

[FR Doc. 2026–00241 Filed 1–8–26; 8:45 am]

BILLING CODE 4915–01–P

Notices

Federal Register

Vol. 91, No. 6

Friday, January 9, 2026

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2025–0704]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Specimen Submission

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with livestock disease surveillance programs.

DATES: We will consider all comments that we receive on or before March 10, 2026.

ADDRESSES: You may submit comments by either of the following methods.

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2025–0704 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2025–0704, Regulatory Analysis and Development, PPD, APHIS, 5601 Sunnyside Ave., #AP760, Beltsville, MD 20705.

Supporting documents and any comments we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information regarding livestock disease surveillance programs, contact Ms. Lori Swiderski, Program Coordinator, Director's Office, National Veterinary Services Laboratories, Diagnostics and Biologics, VS, APHIS, 1920 Dayton Ave., Ames, IA 50010; (515) 337–7405. For more information on the information collection reporting process, contact Ms. Sheniqua Harris, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2528 or email *APHIS.PRA@usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Specimen Submission.

OMB Control Number: 0579–0090.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal Health Protection Act (7 U.S.C. 8301 *et seq.*) provides the Secretary of Agriculture broad authority to prohibit or restrict, through orders and regulations, the importation or entry and interstate movement of any animal, article, or means of conveyance if the U.S. Department of Agriculture (USDA) determines that the prohibition or restriction is necessary to prevent the introduction or spread of any pest or disease of livestock within the United States.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the United States' ability to globally compete in the trade of animals and animal products. However, animal disease prevention cannot be accomplished without the existence of effective disease surveillance programs, which are conducted by the USDA's Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS).

VS specimen submission forms are critical to VS' mission. They are routinely used whenever specimens (such as blood, milk, tissue, or urine) from any animal (such as cattle, cervids, swine, sheep, goats, horses, and poultry) are submitted to the National Veterinary Services Laboratories for disease testing. If the information was not collected or collected less frequently, APHIS would not have the critical information necessary to effectively operate its disease surveillance programs and identify the animals and herds from which the specimens were taken, preventing effective disease prevention and eradication.

The animal disease surveillance programs are based on information submitted on the Specimen Submission form and continuation sheet, or similar documents, and the Parasite Submission form submitted for the Cattle Fever Tick Eradication Program and the National Tick Surveillance Program to identify the individuals submitting tick samples and the animal sources of those samples.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years. APHIS has amended this information collection due to an increase in the number of Respondents reporting, the number of Responses, and Total Burden Hours reported for the collection.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, *e.g.,* permitting electronic submission of responses.)

Estimate of burden: The public burden for this collection of information is estimated to average 0.325 hours per response.

Respondents: State veterinarians and other State personnel who are qualified and authorized to collect and submit specimens for laboratory analysis, accredited veterinarians, private veterinarians, animal health technicians, herd owners, private laboratories, and research institutions.

Estimated annual number of respondents: 14,860.

Estimated annual number of responses per respondent: 6.

Estimated annual number of responses: 95,060.

Estimated total annual burden on respondents: 30,930 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 6th day of January 2026.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2026–00240 Filed 1–8–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Environmental Assessment for Post-Fire Recovery Actions on National Forest System Lands

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of intent to prepare an environmental assessment.

SUMMARY: The USDA Forest Service is preparing a nationwide environmental assessment to analyze the effects of post-fire recovery actions on National Forest System lands in the continental United States. The intent of this assessment is to identify general actions, issues, alternatives, and supporting analysis that are common to post wildfire activities that occur on National Forest System Lands to facilitate consistency and more efficient subsequent site specific decisions. Severe wildfires are happening more often, causing serious damage to our national forests and grasslands. These fires can harm forests, grasslands, and local economies, alter wildlife habitat, and create hazards for communities and infrastructure. Immediate post-fire recovery actions can help restore healthy forest conditions and reduce hazards. This environmental assessment will not authorize, fund, or carry out any site specific action. Post-fire recovery projects will be accomplished in accordance with land management plans. Site specific considerations, including any needed supplemental analysis, design criteria, mitigation measures, or findings, will be provided for in project-specific documentation and, if needed, supplemental environmental assessments or other analyses.

DATES: Comments on this action must be received by January 26, 2026.

ADDRESSES: Comments must be submitted electronically through the Federal eRulemaking Portal, *https://www.regulations.gov,* identified by docket number FS–2025–0034. Follow the instructions for submitting comments. Additional information about this project can be found here: *https://www.fs.usda.gov/managing-land/disaster-recovery/post-fire-recovery.*

FOR FURTHER INFORMATION CONTACT: Steve Lohr, Director of Natural Resources, via the project email address at *SM.FS.PostFireRecovery@usda.gov,* or by phone at 202–205–0650. Individuals who are deaf, hard of hearing, or have a speech disability may call 711 to reach the Telecommunications Relay Service and then provide the phone number of the person named as a point of contact for further information.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

Wildfires are happening more often, burning larger areas, and lasting longer across the country—especially in the Western United States. The emergency conditions resulting from these fires, often made worse by too little active forest management, are directly and indirectly disrupting the lives of Americans nationwide and making recovery efforts more challenging and expensive. To proactively restore forest health and lower the risk of future fires, active management may be needed in areas that have already burned. Acting immediately and within the first year after a wildfire helps protect entire landscapes, improves safety, and often accelerates recovery on National Forest System lands that Tribes, rural economies, and communities depend upon.

The Forest Service develops post-fire recovery projects and routinely conducts individual environmental reviews for these projects. A national review of Forest Service post-fire recovery analyses under the National Environmental Policy Act shows that, regardless of location, these projects occur in a relatively similar manner and have similar environmental effects across the agency (timing, impacts, and methods of implementation), with the most noticeable differences being site specific design criteria or mitigation measures. As such, the Forest Service is preparing an environmental assessment to analyze the effects of general post-fire recovery actions on National Forest System lands in the continental United States to help facilitate subsequent site specific analysis if needed. The agency recognizes the need for:

- Appropriate standardization of project design and implementation, while providing flexibility to address local conditions;
- More rapid, efficient, and effective response by local managers to quickly changing post-fire conditions; and
- Strategic use of limited resources (for example, staff and budget).

There generally is a need to address burned areas in an expedited manner to accelerate post-fire recovery to restore safer, healthier forests in a timely manner at a landscape scale. The purpose of proposing this action is to analyze actions that are common to post recovery to facilitate more efficient site specific analysis that allows the agency to more timely:

- Mitigate hazards to infrastructure;
- Reduce combustible materials, such as trees damaged by fire, and woody debris;
- Harvest fire-killed and damaged trees before they lose their economic value; and
- Establish restored forest conditions after a fire.

Proposed Action

As indicated above, the Forest Service is proposing analysis of post-fire recovery actions, including mechanical and non-mechanical hazardous fuels reduction, hazardous tree removal, timber salvage, reforestation, and use of natural materials to restore water and soil systems. Maintenance or reconstruction of permanent roads and trails, or construction or removal of temporary roads, is proposed where necessary to enable post-fire recovery actions and reduce risk to infrastructure, people, and the environment. Public access to roads and motorized trails will conform with existing travel management decisions and land management plans; no authorized public access on motorized roads or trails will be added or removed as a result of this proposal.

The proposed action consists of the standard activities listed above including

- A general explanation of what the activity entails;
- The objective the activity accomplishes;
- The condition or situation that triggers the use of the activity;
- Identification of related actions that could occur when implementing the activity; and

• General design criteria common to these activities that describe how and when activities may be implemented (7 CFR 1b.11(a)(11)).

Design criteria may be refined or mitigation measures added, as part of project-level proposals and subsequent site specific supporting analysis, to modify activities based on any local resource conditions, circumstances, implementation methods, equipment to be used, or timing and duration of the activity. Design criteria will be refined or mitigation measures added at the project level regarding considerations such as:

• Access and public safety;
• Air quality;
• Biological and botanical resources (aquatics, plants, wildlife, and ecologically sensitive areas);
• Cultural and heritage resources;
• Herbicide use;
• Invasive and noxious plants and animals;
• Insect and disease infestations;
• Landscape and scenery;
• Transportation and engineering;
• Tribal rights and interests;
• Vegetation management; and
• Watershed conditions (including hydrology and soils).

Future site specific proposals utilizing this environmental assessment may use additional site specific analysis to refine design criteria or add mitigation measures to ensure compliance with treaty rights, applicable laws and regulations, and the land management plan or to ensure effects do not exceed a significance threshold when unique conditions or situations are encountered at the project level. If the application of design criteria and mitigation measures would not reduce project-level effects below a significance threshold, that project would need to be otherwise modified (*e.g.,* avoiding activities altogether in certain areas), or an environmental impact statement would need to be prepared.

The Forest Service is proposing to analyze two alternatives in this environmental assessment: the proposed action alternative (developing and implementing a set of standard post-fire activities) and the no action alternative (not implementing a set of standard post-fire activities). Additional alternatives may be analyzed during site specific project development. Per National Environmental Policy Act, 42 U.S.C. 4332(2)(H), the agency does not anticipate any unresolved conflicts concerning alternative uses of available resources that would warrant consideration of additional alternatives.

Issues To Be Analyzed in Detail and Expected Impacts

The following list includes issues to be analyzed in detail and describes the preliminary effects, or impacts (changes to the human environment from the proposed action that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action), anticipated from the subsequent implementation of this proposed action. This environmental assessment's consideration of alternative issues and impacts may change in response to public comment. The expected impacts take into consideration the context of the potentially affected environment, and the preliminary identification of design criteria that will be included as part of the proposed action. The affected environment is post-fire burned areas where ecosystem conditions and functions—such as habitat, vegetation, soils, and hydrology—have already been altered by fire and any associated emergency suppression and response activities.

• *Effects to aquatic and terrestrial plant and wildlife habitat and species:* Proposed activities may impact habitat for threatened, endangered, or sensitive aquatic and terrestrial plants and wildlife species (as well as species of conservation concern, 36 CFR 219.9(c)). While there may be short-term effects to some plant and wildlife species and some habitat conditions, long-term adverse changes to species and habitat conditions from proposed recovery actions in a burned area are unlikely. The proposed actions associated design criteria are intended to: prevent substantial adverse impacts to any species; reduce the level of significance; avoid a jeopardy finding for threatened or endangered species; avoid a trend toward federal listing; and maintain a viable population of a sensitive species and species of conservation concern. Forested habitat conditions may be improved and long-term impacts from the fire lessened where some dead or downed materials are removed or where reforestation activities occur.

• *Effects to waterways and soils:* The proposed recovery activities are not expected to result in measurable sediment impacts to waterways, given standard design criteria and national best management policies included as part of the proposed action. Ongoing impacts to soils and waterways resulting from fire and associated suppression and response activities may be reduced through maintenance and reconstruction of affected roads and infrastructure, and replacement or repair of affected stream crossings and aquatic organism passages.

• *Effects to public access, recreation, and visual quality:* Many post-fire recovery activities proposed in burned areas are specifically designed to address health and human safety concerns but may cause disruptions to public access. The primary treatment is hazard tree mitigation: felling damaged and dying trees that pose a hazard to forest users along National Forest System roads and trails, special use infrastructure such as power lines, and near trailheads and facilities. Hazard tree mitigation reduces risk to infrastructure and the people using it. Short-term disruptions to road and trail use, special use infrastructure, developed and dispersed recreation opportunities, and other permitted uses may occur due to temporary closures while the hazards are being addressed. Visual quality, already impacted by fire, may be further impacted by proposed activities in the short term but will recover more quickly over the long term by improved forest regeneration, where excessive dead and down materials are removed, and by reforestation activities.

• *Economic effects:* Post-fire timber salvage recovers the economic value of forest products from burned areas, which contributes to employment and income in local communities. Revenue from timber salvage can support the forest products industry, fund reforestation actions, create short-term employment opportunities, and may accelerate burned area recovery to allow other revenue-generating permitted uses (grazing, outfitter and guide services) and outdoor recreation and tourism to more quickly and safely resume.

Schedule

The Forest Service expects to publish a Post-Fire Recovery Environmental Assessment in April 2026. Subsequently, site specific scoping, documentation, and decisions will be issued on a project-by-project basis by forest or grassland supervisors or district rangers, with consideration of the analysis set forth in the Post-Fire Recovery Environmental Assessment. After a fire, and prior to a decision, the responsible official will:

• Identify post-fire recovery opportunities consistent with the activities and effects analyzed by this environmental assessment, and produce maps that identify where activities will occur in and adjacent to the burned area;
• Update proposed actions to specify methods and equipment to be used and timing and duration of the activity;

- Scope proposed actions consistent with applicable National Environmental Policy Act regulations;
- Tailor design criteria or add mitigation measures, as necessary, to ensure compliance with applicable laws, regulations, and land management plans or to ensure effects do not exceed a significance threshold when unique conditions or situations are encountered at the project level; and
- Document project-level findings, such as consistency with the applicable land management plan.

Anticipated Permits and Other Authorizations Required

Any required permits, licenses, or authorizations will be procured by local national forest and grassland units prior to the implementation of activities analyzed by this assessment.

In accordance with 36 CFR 800.8(c), the USDA Forest Service is hereby notifying the Advisory Council on Historic Preservation, State Historic Preservation Officers, and Tribal Historic Preservation Officers that it intends to use this environmental assessment for the purpose of compliance with section 106 of the National Historic Preservation Act.

Comments, Objections, and Consultation

Comments received on this notice of intent will guide the development of this nationwide environmental assessment. The Forest Service is requesting comments on alternatives or effects, and relevant information, studies, or analyses with respect to the proposal. Follow the instructions for sending comments (see **ADDRESSES** section). Comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions. When lengthy or complex comments are provided, they are most effective when accompanied by a brief, plainly worded summary of the main points. Comments, including attachments and any personal information provided in your comments, will be posted to the docket unchanged. Do not submit any information you consider to be private, Confidential Business Information, or other information the disclosure of which is restricted by statute.

This nationwide environmental assessment is an opportunity to provide comment and explore alternatives for actions that are generally common to all actions. It is intended to expedite subsequent site specific analysis. This nationwide environmental assessment will not be subject to objection under the pre-decisional administrative review processes established under section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515; Pub. L. 108–148, Section 105) and the Consolidated Appropriations Act of 2012 (Pub. L. 112–74, Section 428) at 36 CFR 218 because there will be no decision at the national level. Site specific applications of this environmental assessment will be subject to all laws and regulations determining opportunity for notice, comment, or administrative review. Tribal governments and Alaska Native Corporations will have the opportunity to engage during the development of the environmental assessment through various coordination events and formal consultation, if desired.

Cooperating and Participating Agencies

The USDA Forest Service is the lead agency. No Cooperating or Participating Agencies have been designated. For purposes of this nationwide Environmental Assessment, the Forest Service does not anticipate designating any Federal, State, Tribal, or local agencies as cooperating or participating agencies. These organizations are encouraged to provide input through the public comment opportunity for this notice of intent.

Responsible Official

The responsible officials for post-fire recovery project decisions using the analysis in this environmental assessment will be forest or grassland supervisors or district rangers.

Dated: December 31, 2025.

Lisa Northrop,

Associate Deputy Chief, State, Private, and Tribal Forestry and National Forest System.

[FR Doc. 2026–00221 Filed 1–8–26; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–3–2026]

Foreign-Trade Zone 84; Application for Subzone; Southwest GFI LLC dba Gourmet Foods International Inc.; Conroe, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of Houston Authority, grantee of FTZ 84, requesting subzone status for the facility of Southwest GFI LLC dba Gourmet Foods International Inc., located in Conroe, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on January 7, 2026.

The proposed subzone (4.9418 acres) is located at 10 S Trade Center Parkway, Conroe, Texas. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 84.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is February 18, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through March 5, 2026.

A copy of the application will be available for public inspection in the "Online FTZ Information Section" section of the FTZ Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov.*

Dated: January 7, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–00272 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–868, C–552–826]

Utility Scale Wind Towers From Canada and the Socialist Republic of Vietnam: Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on utility scale wind towers from Canada and the Socialist Republic of Vietnam (Vietnam) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the "Final Results of Sunset Reviews" section of this notice.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2178.

SUPPLEMENTARY INFORMATION:

Background

On August 26, 2020, Commerce published the *Orders* on utility scale wind towers from Canada and Vietnam.[1] On July 1, 2025, Commerce published the notice of initiation of the first sunset reviews of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.218(c).[2]

On July 16, 2025, Commerce received a notice of intent to participate in this review from the domestic interested parties,[3] within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] The domestic interested parties claimed interested party status within the meaning of section 771(9)(F) of the Act and 19 CFR 351.102(b)(29)(v) as a coalition of U.S. producers of the domestic like product.[5] On July 21, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.[6]

On July 30, 2025, Commerce received an adequate substantive response from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[7] Commerce did not receive a substantive response from either the Government of Canada or the Government of Vietnam, or from a respondent interested party to this proceeding. Therefore, on August 22, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[8] As a result, Commerce conducted an expedited (120-day) sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[9] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[10] Accordingly, the deadline for these final results is now January 5, 2026.

Scope of the Orders

The product covered by these *Orders* is utility scale wind towers from Canada and Vietnam. For the full description of the scope of the *Orders, see* the Issues and Decisions Memorandum.[11]

Analysis of Comments Received

A complete discussion of all issues raised in these sunset reviews, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.[12] A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

CANADA

Producers/exporters	Net countervailable subsidy rate (percent *ad valorem*)
Marmen Inc., MarmenEnergie Inc. and Gestion Marmen Inc	1.13
All Others	1.13

VIETNAM

Producers/exporters	Net countervailable subsidy rate (percent *ad valorem*)
CS Wind Vietnam Co., Ltd. (a.k.a. CS Wind Tower Co., Ltd.)	2.84
All Others	2.84

[1] *See Utility Scale Wind Towers from Canada, Indonesia, and the Socialist Republic of Vietnam: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Orders,* 85 FR 52543 (August 26, 2020) (collectively, *Orders*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 28722 (July 1, 2025).

[3] The domestic interested parties are the Wind Tower Trade Coalition (the Coalition), whose members are Arcosa Wind Towers, Inc. and Broadwind Inc.

[4] *See* Domestic Interested Parties' Letters, ''Utility Scale Wind Towers from Canada: Notice of Intent to Participate in Sunset Review,'' dated July 16, 2025; and ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Notice of Intent to Participate in Sunset Review,'' dated July 16, 2025.

[5] *Id.* at 2.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on July 1, 2025,'' dated July 21, 2025.

[7] *See* Domestic Interested Parties' Letter, ''Utility Scale Wind Towers from Canada: Substantive Response to Notice of Initiation,'' dated July 30, 2025; and ''Utility Scale Wind Towers from the Socialist Republic of Vietnam: Substantive Response to Notice of Initiation,'' dated July 30, 2020.

[8] *See* Commerce's Letter, ''Sunset Reviews Initiated July 1, 2025,'' dated August 22,2025.

[9] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[10] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[11] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Reviews of the Countervailing Duty Orders on Utility Scale Wind Towers from Canada and the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[12] *Id.*

Notification Regarding Administrative Protective Orders (APOs)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: January 5, 2026.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
  2. Net Countervailable Subsidy Rates Likely to Prevail
  3. Nature of the Subsidies
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2026–00228 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830, A–351–832, A–560–815, A–841–805, A–274–804]

Carbon and Certain Alloy Steel Wire Rod From Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago: Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on carbon and certain alloy steel wire rod (steel wire rod) from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the ''Final Results of Sunset Review(s)'' section of this notice.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2178.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 2001, Commerce initiated the antidumping investigations for Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago.[1] On October 29, 2002, Commerce published the *Orders* in the **Federal Register**.[2] On July 1, 2025, Commerce published the notice of initiation of this fourth sunset reviews of the *Orders,* pursuant to section 751(c) of the Act.[3]

On July 16, 2025, Commerce received a timely and complete notice of intent to participate in the sunset review for domestic interested parties within the deadline specified in the 19 CFR 351.218(d)(1)(i).[4] The domestic interested parties claimed the interested party status within the meaning of section 771(9)(C) of the Act as U.S. producers of the domestic like product.[5] On July 21, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.[6]

On July 31, 2025, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed a timely and adequate substantive response.[7] Commerce did not receive a substantive response from any respondent interested party. On August 22, 2025, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.[8] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting an expedited (120-day) sunset review of the *Orders.*

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[9] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[10] Accordingly, the deadline for these final results is now January 5, 2026.

Scope of the Orders

The product covered by these *Orders* is carbon and certain alloy steel wire rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago. For the full description of the scope of the *Orders, see* the Issues and Decisions Memorandum.[11]

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[1] *See Notice of Initiation of Antidumping Duty Investigations: Carbon and Certain Alloy Steel Wire Rod From Brazil, Canada, Egypt, Germany, Indonesia, Mexico, Moldova, South Africa, Trinidad and Tobago, Ukraine, and Venezuela,* 66 FR 50164 (October 2, 2001).

[2] *See Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002) (collectively, *Orders).*

[3] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 28722 (July 1, 2025).

[4] *See* Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Brazil: Notice of Intent to Participate in Review,'' dated July 16, 2025; Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Indonesia—Notice of Intent to Participate,'' dated July 16, 2025; Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Notice of Intent to Participate in Review,'' dated July 16, 2025; Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Moldova—Notice of Intent to Participate,'' dated July 16, 2025; and Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago: Notice of Intent to Participate in Review,'' dated July 16, 2025 (Notice of Intent Letters).

[5] *See* Notice of Intent Letters.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on July 1, 2025,'' dated July 21, 2025.

[7] *See* Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Brazil: Substantive Response to the Notice of Initiation,'' dated July 31, 2025; Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Indonesia—Domestic Interested Parties' Substantive Response,'' dated July 31, 2025; Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Mexico: Substantive Response to the Notice of Initiation,'' dated July 31, 2025; Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Moldova—Domestic Interested Parties' Substantive Response,'' dated July 31, 2025; and Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago: Substantive Response to the Notice of Initiation,'' dated July 31, 2025.

[8] *See* Commerce's Letter, ''Sunset Review Initiated on July 1, 2025,'' dated August 22, 2025.

[9] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[10] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[11] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Fourth Sunset Reviews of the Antidumping Duty Orders on Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, and Trinidad and Tobago,'' dated concurrently with, and hereby adopted by, this notice.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Orders* and the magnitude of the margins likely to prevail if the *Orders* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[12] A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 94.73 for Brazil, 4.05 percent for Indonesia, 20.11 percent for Mexico, 369.10 percent for Moldova, and 11.35 percent for Trinidad and Tobago.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

[12] *Id.*

Dated: January 5, 2026.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2026–00227 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–985]

Xanthan Gum From the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review, Rescission, in Part, and Preliminary Determination of No Shipments; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that both of the exporters under review did not make sales of subject merchandise at less than normal value and that Deosen Biochemical Ltd. had no shipments of subject merchandise during the period of review (POR) July 1, 2023, through June 30, 2024. In addition, we are rescinding this review, in part, with respect to CP Kelco (Shandong) Biological Company Limited (CP Kelco Shandong). Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: Joseph Molokwu, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8043.

SUPPLEMENTARY INFORMATION:

Background

On July 19, 2013, Commerce published in the **Federal Register** the antidumping duty (AD) order on xanthan gum from the People's Republic of China (China).[1] On July 1, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order on xanthan gum from China.[2] Between July 26 and July 31, 2024, Commerce received requests to conduct administrative reviews.[3] Commerce published the *Initiation Notice* of this administrative review of the *Order* on August 14, 2024, where we initiated a review for 14 companies.[4] On December 9, 2024, Commerce tolled certain deadlines in this administrative review by 90 days.[5] On June 4, 2025, Commerce extended the deadline for these preliminary results by 120 days until October 29, 2025.[6]

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[7] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an

[1] *See Xanthan Gum from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 43143 (July 19, 2013) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Service Inquiry Service List,* 89 FR 54437 (July 1, 2024).

[3] *See* Meihua Group International Trading (Hong Kong) and Jilin Meihua Amino Acid, Co., Ltd's Letter, ''Request for Administrative Review,'' dated July 26, 2024; see also Deosen Biochemical (Ordos) Ltd.'s Letter, ''Request for Administrative Review,'' dated July 29, 2024; Jianlong Biotechnology Co. Ltd. (formerly, Inner Mongolia Jianlong Biochemical Co., Ltd.)'s (Jianlong) Letter, ''AD Administrative Review Request,'' dated July 29, 2024; CP Kelco U.S., Inc.'s (the petitioner) Letter, ''Request for Administrative Review,'' dated July 31, 2024; CP Kelco (Shandong) Biological Company Limited (CP Kelco Shandong)'s Letter, ''Request for Administrative Review,'' dated July 31, 2024; ADI ChemTech, LLC, Marietta, Georgia Letter, ''Request for Administrative Review,'' dated July 31, 2024; Ningxia Top Hydrocolloids Co., Ltd.'s Letter, ''Request for Administrative Review,'' dated July 31, 2024; and Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)'s Letter, ''Neimenggu Fufeng's Request for Antidumping Administrative Review,'' dated July 31, 2024.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 66035 (August 14, 2024) (*Initiation Notice*).

[5] *See* Memorandum, ''Tolling of Deadline for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[6] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated June 4, 2025.

[7] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 17, 2025.

additional 21 days.[8] Accordingly, the deadline for these preliminary results is now January 5, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[9] A list of the topics discussed in the Preliminary Decision Memorandum is attached as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum is available at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The product covered by the *Order* includes dry xanthan gum, whether or not coated or blended with other products. For a full description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Preliminary Determination of No Shipments

On September 13, 2024, Deosen Biochemical Ltd. filed timely certifications that it had no exports, shipments, sales, or entries of subject merchandise to the United States during the POR.[10] Based on information obtained from U.S. Customs and Border Protection (CBP) and on Deosen Biochemical Ltd.'s no shipment certification, Commerce preliminarily determines that Deosen Biochemical Ltd. had no shipments of subject merchandise during the POR.[11]

Consistent with Commerce's practice in non-market economy (NME) cases, we are not rescinding this administrative review with respect to Deosen Biochemical Ltd. but intend to complete the review and issue appropriate instructions to CBP based on the final results of the review.[12]

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if all parties that requested a review withdraw their requests within 90 days of the publication date of the notice of initiation of the requested review in the **Federal Register**. On November 8, 2024, CP Kelco Shandong timely withdrew its request for an administrative review of itself.[13] Because no other party requested a review of CP Kelco Shandong, consistent with 19 CFR 351.213(d)(1), Commerce is rescinding this review, in part, with respect to CP Kelco Shandong.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). We calculated constructed export price in accordance with section 772 of the Act. Because China is an NME country within the meaning of section 771(18) of the Act, we calculated normal value in accordance with section 773(c) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum.

Separate Rates

Commerce preliminarily determines that eight non-individually examined companies are eligible for a separate rate in this administrative review.[14] The Act and Commerce's regulations do not address the establishment of a separate rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate-rate respondents which Commerce did not examine individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins calculated for individually-examined respondents, excluding dumping margins that are zero, *de minimis,* or based entirely on facts available. Where the rates for the individually examined companies are all zero, *de minimis,* or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use ''any reasonable method'' to establish the all-others rate.

We preliminarily calculated a zero percent dumping margin for both the mandatory respondents in this review, *i.e.,* Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd. and Deosen Biochemical (Ordos) Ltd. Accordingly, we have preliminarily assigned this rate (*i.e.,* 0.00 percent) to those companies that Commerce found preliminarily eligible to receive a separate rate in this review. For additional information, *see* the Preliminary Decision Memorandum.

China-Wide Entity

Under Commerce's policy regarding the conditional review of the China-wide entity,[15] the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity's rate (*i.e.,* 154.07 percent) is not subject to change.[16]

Aside from Deosen Biochemical Ltd., for which we preliminarily find no shipments, and CP Kelco Shandong, for which this review is being rescinded, Commerce considers all other companies for which a review was requested and did not demonstrate separate rate eligibility to be part of the China-wide entity.[17] For these preliminary results, we consider Shanghai Smart Chemicals Co. Ltd. to be part of the China-wide entity because it did not file a separate rate application or certification. For additional information, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping

[8] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[9] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2023–2024 Administrative Review of the Antidumping Duty Order of Xanthan Gum from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[10] *See* Deosen Biochemical Ltd.'s Letter, ''No Shipment Certification of Deosen Biochemical Ltd.,'' dated September 13, 2024.

[11] *See* Memorandum, ''Automated Commercial System Shipment Query,'' dated August 19, 2024.

[12] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011); and the ''Assessment Rates'' section, *infra.*

[13] *See* CP Kelco Shandong's Letter, ''Withdrawal of Request for Administrative Review,'' dated November 8, 2024.

[14] *See* Preliminary Decision Memorandum at the ''Separate Rate Determination'' section for more details.

[15] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[16] *See Order,* 78 FR at 43144.

[17] *See Initiation Notice,* 89 FR at 66036 (''All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below.'').

margins exist for the POR July 1, 2023, through June 30, 2024:

Exporter	Weighted-average dumping margin (percent)
Deosen Biochemical (Ordos) Ltd	0.0
Neimenggu Fufeng Biotechnologies Co., Ltd. (aka Inner Mongolia Fufeng Biotechnologies Co., Ltd.)/Shandong Fufeng Fermentation Co., Ltd./Xinjiang Fufeng Biotechnologies Co., Ltd	0.0
Non-Individually Examined Companies Receiving a Separate Rate	
Jianlong Biotechnology Co., Ltd. (formerly, Inner Mongolia Jianlong Biochemical Co., Ltd.)	0.0
Jilin Meihua Amino Acid Co., Ltd	0.0
Meihua Group International Trading (Hong Kong) Limited/Langfang Meihua Biotechnology Co., Ltd.,/Xinjiang Meihua Amino Acid Co., Ltd	0.0
Ningxia Top Hydrocolloids Co., Ltd	0.0

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results of this administrative review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Interested parties may submit case briefs to Commerce no later than 21 days after the date of publication.[18] Rebuttal briefs, limited to issues raised in the case briefs, may be filed with Commerce no later than five days after the date for filing case briefs.[19] Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[20]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[21] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[22]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS.[23] Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in case and rebuttal briefs.[24] If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. A hearing request must be filed electronically using ACCESS and received in its entirety by 5:00 p.m. Eastern Time within 30 days after the publication of this notice.

Final Results of Review

Unless otherwise extended, commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

We will calculate importer/customer-specific assessment rates equal to the ratio of the total amount of dumping calculated for examined sales to a particular importer/customer to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).[25] Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total entered value of the merchandise sold to the importer/customer.[26] Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis;* however, Commerce will use the per-unit assessment rate where entered values were not reported.[27] Where an importer/customer-specific *ad*

[18] *See* 19 CFR 351.309(c)(1)(ii).

[19] *See* 19 CFR 351.309(d).

[20] *See* 19 CFR 351.309(c)(2) and (d)(2).

[21] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[22] *See APO and Service Procedures.*

[23] *See* 19 CFR 351.310(c).

[24] *See* 19 CFR 351.310.

[25] We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[26] *See* 19 CFR 351.212(b)(1).

[27] *Id.*

valorem assessment rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis,*[28] Commerce will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For respondents not individually examined in this administrative review that qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margin assigned to the respondent in the final results of this review.[29]

Pursuant to Commerce's refinement of its practice, for sales that were not reported in the U.S. sales database submitted by a respondent individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin assigned to the China-wide entity.[30] Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin assigned to the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of xanthan gum from China entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of this administrative review in the **Federal Register**, as provided for by section 751(a)(2)(C) of the Act: (1) for companies granted a separate rate in the final results of this review, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the company (except, if the rate is zero or *de minimis,* then a cash deposit rate of zero will be required); (2) for previously investigated or reviewed China and non-China exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, which is 154.07 percent; and (4) for all non-China exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties and/or countervailing duties.

Notification to Interested Parties

Commerce is issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4) and 351.221(b)(4).

Dated: January 5, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2026–00212 Filed 1–8–26; 8:45 am]
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28 *See* 19 CFR 351.106(c)(2).

29 *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014–2015,* 81 FR 29528 (May 12, 2016), and accompanying PDM, at 10–11, unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014–2015,* 81 FR 54042 (August 15, 2016).

30 For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–915]

Light-Walled Rectangular Pipe and Tube From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on light-walled rectangular pipe and tube (light-walled pipe and tube) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2178.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 2008, Commerce published the *Order* on light-walled pipe and tube from China.[1] On July 1, 2025, Commerce published the notice of initiation of the third sunset review of the *Order,* pursuant to section 751(c) of the Act and 19 CFR 351.218(c).[2]

On July 16, 2025, Commerce received notices of intent to participate in this review from the domestic interested parties,[3] within the deadline specified

1 *See Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Notice of Countervailing Duty Order,* 73 FR 45405, (August 5, 2008) (*Order*).

2 *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 28722 (July 1, 2025).

3 The domestic interested parties are: Bull Moose Company, Maruichi American Corporation, Nucor Tubular Products Inc., Searing Industries, Inc., Vest LLC (collectively, the Coalition), and Atlas Tube (a division of Zekelman Industries).

in 19 CFR 351.218(d)(1)(i).[4] The domestic interested parties claimed interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as U.S. producers, manufacturers, and wholesalers of a domestic like product.[5] On July 21, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.[6]

On July 31, 2025, Commerce received adequate substantive responses from the domestic interested parties within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[7] Commerce did not receive a substantive response from either the Government of China or a respondent interested party to this proceeding. On August 22, 2025, Commerce notified the ITC that it did not receive an adequate substantive response from respondent interested parties.[8] As a result, Commerce conducted an expedited (120-day) sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[9] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[10] Accordingly, the deadline for these final results is now January 5, 2026.

Scope of the Order

The product covered by this *Order* is light-walled pipe and tube from China. For the full description of the scope of the *Order, see* the Issues and Decisions Memorandum.[11]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.[12] A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent *ad valorem*)
Zhangjiagang Zhongyuan Pipe-making Co., Ltd., Jiangsu Qiyuan Group Co., Ltd	15.28
Qingdao Xiangxing Steel Pipe Co., Ltd	200.58
Kunshan Lets Win Steel Machinery Co., Ltd	2.20
All Others	15.28

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: January 5, 2026.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates Likely to Prevail
3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2026–00224 Filed 1–8–26; 8:45 am]

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[4] *See* The Coalition's Letter, ''Notice of Intent to Participate in Third Five-Year Review of the Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China,'' dated July 16, 2025; and Atlas Tube's Letter, ''Five-Year (''Sunset'') Review Of Countervailing Duty Order On Light-Walled Rectangular Pipe and Tube from China: Notice Of Intent To Participate In Sunset Review,'' dated July 16, 2025.

[5] *Id.*

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on July 1, 2025,'' dated July 21, 2025.

[7] *See* The Coalition's Letter, ''Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Substantive Response to Notice of Initiation,'' dated July 31, 2025; and Atlas Tube's Letter, ''Five-Year (''Sunset'') Review Of Countervailing Duty Order On Light Walled Rectangular Pipe and Tube from China: Substantive Response,'' dated July 31, 2025.

[8] *See* Commerce's Letter, ''Sunset Review Initiated July 1, 2025,'' dated August 22, 2025.

[9] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[10] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[11] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order on Light-Walled Rectangular Pipe and Tube from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice.

[12] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–523–808]

Certain Steel Nails From the Sultanate of Oman: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty (AD) order on certain steel nails (steel nails) from the Sultanate of Oman (Oman). This review covers 15 exporters and producers from Oman. The period of review (POR) is July 1, 2023, through June 30, 2024. The sole mandatory respondent in this review is Oman Fasteners, LLC (Oman Fasteners). Commerce preliminarily determines that Oman Fasteners made sales of subject merchandise below normal value (NV) during the POR. Additionally, we are rescinding this review, in part, with respect to one company for which all requests for review were withdrawn and with respect to 13 companies, which had no suspended entries. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: Joshua Jacobson, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0223.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2024, Commerce published in the **Federal Register** a notice of opportunity [1] to request an administrative review of the AD order on steel nails from Oman.[2] On August 14, 2024, in accordance with 19 CFR 351.221(c)(1)(i), Commerce published a notice of initiation of an administrative review of the *Order.*[3]

On June 5, 2025, in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2), Commerce extended the deadline for the preliminary results by 120 days until October 29, 2025.[4] Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[5] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[6] Accordingly, the deadline for these preliminary results is now January 5, 2026.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[7] A list of the topics included in the Preliminary Decision Memorandum is included as Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise covered by the scope of this *Order* is steel nails from Oman. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[8]

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. Because all requests for administrative review of Gulf Nails LLC (Gulf Nails) were withdrawn by interested parties within 90 days of the date of the publication of the *Initiation Notice,* Commerce is rescinding this review with respect to Gulf Nails, in accordance with 19 CFR 351.213(d)(1).

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[9] Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.[10] Therefore, for an administrative review to be conducted, there must be at least one reviewable, suspended entry that Commerce can instruct U.S. Customs and Border Protection (CBP) to liquidate at the AD assessment rate calculated for the review period.[11]

There were no entries of subject merchandise during the POR for 13 companies subject to this review.[12] As a result, on November 4, 2024, Commerce notified all interested parties of its intent to rescind this review, in part, with respect to these 13 companies.[13] No interested party commented on the Intent to Rescind Memorandum. Thus, Commerce is rescinding this review with respect to 14 companies, in accordance with 19 CFR 351.213(d). The administrative review remains active with respect to one company, Oman Fasteners.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated export prices and NV in accordance with sections 772 and 773 of the Act, respectively. For a full description of the methodology underlying our preliminary results of review, *see* the Preliminary Decision Memorandum.

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[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review and Join Annual Inquiry Service List,* 89 FR 54437 (July 1, 2024).

[2] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015) (*Order*).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 66035 (August 14, 2024) (*Initiation Notice*).

[4] *See* Memorandum, "Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review," dated June 5, 2025.

[5] *See* Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated November 14, 2025.

[6] See Memorandum, "Tolling of all Case Deadlines," dated November 24, 2025.

[7] *See* Memorandum, "Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the Sultanate of Oman; 2023–2024," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[8] *Id.*

[9] See, *e.g., Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021–2022,* 88 FR 24758 (April 24, 2023); *See also Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Recission of Antidumping Administrative Review; 2020–2021,* 88 FR 4157 (January 24, 2023).

[10] *See* 19 CFR 351.212(b)(1).

[11] *See* 19 CFR 351.213(d)(3).

[12] *See* Memorandum, "Release of Customs Data from U.S. Customs and Border Protection," dated September 10, 2024; *see also* Appendix II for a list of these companies.

[13] *See* Memorandum, "Notice of Intent to Rescind Review, In Part," dated November 4, 2024 (Intent to Rescind Memorandum).

Preliminary Results of Review

We preliminarily determine the following weighted-average dumping margin for the POR July 1, 2023, through June 30, 2024:

Producer/exporter	Weighted-average dumping margin (percent)
Oman Fasteners, LLC	0.95

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties for these preliminary results of this administrative review within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to Commerce no later than 21 days after the date of publication of this notice in the **Federal Register**.[14] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.[15] Interested parties who submit case or rebuttal briefs in this review must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[16]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[17] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[18]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. An electronically filed hearing request must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice in the **Federal Register**. If a hearing is requested, Commerce will announce the date and time of the hearing. Parties should confirm the date and time of the hearing two days before the scheduled hearing date.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this administrative review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

We will calculate importer-specific assessment rates for Oman Fasteners in accordance with 19 CFR 351.212(b)(1).[19] Because Oman Fasteners reported entered values for its sales, we will calculate importer-specific *ad valorem* assessment rates for the company by dividing the total amount of dumping calculated for all reviewed U.S. sales to the importer by the total entered value of the merchandise sold to the importer.[20]

Where either Oman Fasteners' *ad valorem* weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,*[21] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies listed in Appendix II for which we are rescinding this review, we will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, in accordance with 19 CFR 351.212(c)(l)(i), not before 35 days after the publication date of these preliminary results.

Pursuant to a refinement to Commerce's assessment practice, where sales of subject merchandise that was produced or exported by an individually examined respondent were not reported in the U.S. sales data submitted by the respondent, but the merchandise was entered for consumption in the United States during the POR, Commerce will instruct CBP to liquidate any entries of such merchandise at the all-others rate (*i.e.,* 9.10 percent)[22] if there is no rate for the intermediate company(ies) involved in the transaction.[23]

Cash Deposit Requirements

The following cash deposit requirements will be in effect for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the final results of this administrative review in the **Federal Register***,* as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Oman Fasteners will be equal to the weighted-average dumping margin established for the company in the final results of this

[14] *See* 19 CFR 351.303 (for general filing requirements).

[15] *See* 19 CFR 351.309(d); *See also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[16] *See* 19 CFR 351.309(c)(2) and (d)(2).

[17] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[18] *See APO and Service Final Rule,* 88 FR at 67070.

[19] We applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[20] *See* 19 CFR 351.212(b)(1).

[21] *See* 19 CFR 351.106(c)(2).

[22] *See Order,* 80 FR at 39996.

[23] For a full discussion of this practice, *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

review, except if the weighted-average dumping margin is less than 0.50 percent, and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), the cash deposit rate will be zero; (2) for previously investigated or reviewed companies that are not covered by this review, the cash deposit rate will continue to be the company's cash deposit rate from the most recently completed segment of the proceeding in which it was examined; (3) if the exporter is not covered by this review, and does not have a cash deposit rate from a completed segment of this proceeding, but the producer of the subject merchandise does have a cash deposit rate, then the cash deposit rate will be the producer's cash deposit rate from the most recently completed segment of the proceeding in which it was examined; and (4) the cash deposit rate for all other producers or exporters will continue to be 9.10 percent, the all-others rate established in the less-than-fair-value investigation.[24] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(2) and 351.221(b)(4).

Dated: January 5, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Rescission of Administrative Review, in Part
V. Discussion of the Methodology
VI. Currency Conversion
VII. Recommendation

[24] *See Order,* 80 FR 39996.

Appendix II

List of Companies for Which We Are Rescinding the Review

1. Al Ansari Teqmark LLC
2. Al Kiyumi Global LLC
3. Al Sarah Building Materials LLC
4. Buraimi Iron & Steel, LLC
5. CL Synergy (Pvt) Ltd.
6. Diamond Foil Trading LLC
7. Gulf Nails LLC
8. Gulf Nails Manufacturing, LLC
9. Gulf Steel Manufacturers, LLC
10. Muscat Industrial Company, LLC
11. Muscat Nails Factory Golden Asset Trade, LLC
12. Oman Ocean Trading LLC
13. Omega Global Uluslararasi Tasimacilik Ticaret Ltd. Sti
14. WWL Indian Private Ltd.

[FR Doc. 2026–00256 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–833]

Carbon and Certain Alloy Steel Wire Rod From Brazil: Final Results of the Expedited Fourth Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on carbon and certain alloy steel wire rod (steel wire rod) from Brazil would be likely to lead to continuation or recurrence of countervailable subsidies at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2178.

SUPPLEMENTARY INFORMATION:

Background

On October 22, 2002, Commerce published the *Order* on steel wire rod from China.[1] On July 1, 2025, Commerce published in the **Federal Register** the notice of initiation of the fourth sunset review of the *Order,* pursuant to section 751(c) of the Act and 19 CFR 351.218(c).[2]

On July 16, 2025, Commerce received a notice of intent to participate in this review from Nucor Corporation (Nucor) and Commercial Metals Company (CMC) (the domestic interested parties), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] Nucor and CMC claim that they have interested party status within the meaning of section 771(9)(C) of the Act and 19 CFR 351.102(b)(29)(v) as a domestic manufacturer and producer of steel wire rod.[4]

On July 31, 2025, Commerce received an adequate substantive response from Nucor and CMC within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from either the Government of China or a respondent interested party to this proceeding. On August 22, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it did not receive an adequate substantive response from respondent interested parties.[6] As a result, Commerce conducted an expedited (120-day) sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(B)(2) and (C)(2).

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[7] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[8] Accordingly, the deadline for these final results is now January 5, 2026.

[1] *See Notice of Countervailing Duty Orders: Carbon and Certain Alloy Steel Wire Rod From Brazil and Canada,* 67 FR 64871 (October 22, 2002) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 28722 (July 1, 2025).

[3] *See* Domestic Interested Parties' Letter, ''Carbon And Certain Alloy Steel Wire Rod from Brazil: Notice of Intent to Participate in Sunset Review,'' dated June 16, 2025.

[4] *Id.*

[5] *See* Domestic Interested Parties' Letter, ''Carbon and Certain Alloy Steel Wire Rod from Brazil: Substantive Response to the Notice of Initiation,'' dated July 31, 2025.

[6] *See* Commerce's Letter, ''Sunset Review Initiated on July 1, 2025,'' dated August 22, 2025.

[7] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[8] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

Scope of the Order

The product covered by this *Order* is steel wire rod from Brazil. For the full description of the scope of the *Order, see* the Issues and Decision Memorandum.[9]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of subsidization and the countervailable subsidy rates likely to prevail if the *Order* were to be revoked, is contained in the accompanying Issues and Decision Memorandum.[10] A list of the topics discussed in the Issues and Decision Memorandum is attached as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via ACCESS, which is available to registered users at *https://access.trade.gov.* In addition, complete versions of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c) and 752(b) of the Act, Commerce determines that revocation of the *Order* would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Producers/exporters	Net countervailable subsidy rate (percent *ad valorem*)
Companhia Siderurgica Belgo-Mineira	6.74
Gerdau S.A	2.76
All-Others	5.64

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.221(c)(5)(ii).

Dated: January 5, 2026.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of a Countervailable Subsidy
2. Net Countervailable Subsidy Rates Likely to Prevail
3. Nature of the Subsidies
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2026–00226 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–816, A–533–857, A–552–817, A–580–870, A–823–815]

Certain Oil Country Tubular Goods From India, the Republic of Korea, the Republic of Türkiye, the Socialist Republic of Vietnam, and Ukraine: Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) orders on certain oil country tubular goods (OCTG) from India, the Republic of Korea (Korea), the Republic of Türkiye (Türkiye), the Socialist Republic of Vietnam (Vietnam), and Ukraine would be likely to lead to continuation or recurrence of dumping, at the levels indicated in the "Final Results of Sunset Reviews" section of this notice.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: David De Falco, Trade Agreements Policy and Negotiations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–2178.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2014, Commerce published the *India Order, Korea Order, Türkiye Order, and Vietnam Order* in the **Federal Register**.[1] On July 16, 2019, following the termination of the *Suspension Agreement* suspending the antidumping investigation on OCTG from Ukraine, Commerce published the *Ukraine Order* in the **Federal Register**.[2] On July 1, 2025, Commerce published the notice of initiation of this second sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[3]

On July 16, 2025, Commerce received timely and complete notices of intent to participate in the sunset reviews from domestic interested parties, the U.S. OCTG Manufacturers Association (USOMA) and United States Steel Corporation (U.S. Steel), within the deadline specified in the 19 CFR

[9] *See* Memorandum, "Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Countervailing Duty Order on Carbon and Certain Alloy Steel Wire Rod from Brazil," dated concurrently with, and hereby adopted by, this notice.

[10] *Id.*

[1] *See Certain Oil Country Tubular Goods from India, the Republic of Korea, Taiwan, the Republic of Türkiye, and the Socialist Republic of Vietnam: Antidumping Duty Orders; and Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value,* 79 FR 53691 (September 10, 2014) (*India Order, Korea Order, Türkiye Order,* and *Vietnam Order*).

[2] *See Suspension of Antidumping Investigation: Certain Oil Country Tubular Goods from Ukraine,* 79 FR 41959 (July 18, 2014) (*Suspension Agreement*); *see also Termination of the Suspension Agreement on Certain Oil Country Tubular Goods from Ukraine, Rescission of Administrative Review, and Issuance of Antidumping Duty Order,* 84 FR 33918 (July 16, 2019) (*Ukraine Order*) (collectively with *India Order, Korea Order, Türkiye Order,* and *Vietnam Order, Orders*).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 28722 (July 1, 2025).

351.218(d)(1)(i).[4] USOMA claimed interested party status under section 771(9)(E) of the Act as a trade or business association, all of whose members produce the domestic like product in the United States; U.S. Steel claimed interested party status under section 771(9)(C) of the Act as a U.S. producer of the domestic like product.[5] On July 21, 2025, Commerce notified the U.S. International Trade Commission (ITC) that it had received a notice of intent to participate from the domestic interested parties.[6] On July 31, 2025, pursuant to 19 CFR 351.218(d)(3)(i), domestic interested parties filed timely and adequate substantive responses.[7]

Commerce did not receive a substantive response from any respondent interested party. On August 22, 2025, Commerce notified the ITC that it did not receive substantive response from any respondent interested parties.[8] As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce is conducting expedited (120-day) sunset reviews of the *Orders.*

Due to the lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in administrative proceedings by 47 days.[9] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[10] Accordingly, the deadline for these final results is now January 5, 2026.

Scope of the Orders

The product covered by these *Orders* is OCTG from India, Korea, Türkiye, Vietnam, and Ukraine. For the full description of the scope of the *Orders, see* the Issues and Decisions Memorandum.[11]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *Orders* and the magnitude of the margins likely to prevail if the *Orders* were to be revoked, is provided in the accompanying Issues and Decision Memorandum.[12] A list of the topics discussed in the Issues and Decision Memorandum is attached in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be directly accessed at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Final Results of Sunset Reviews

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Orders* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 11.24 percent for India, 6.49 percent for Korea, 35.86 percent for Türkiye, 111.47 percent for Vietnam, and 7.47 percent for Ukraine.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective, orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, and 19 CFR 351.218 and 19 CFR 351.221(c)(5)(ii).

Dated: January 5, 2026.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Orders*
IV. History of the *Orders*
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of Dumping

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[4] *See* U.S. Steel's Letter, ''Second Five-Year (''Sunset'') Review of Antidumping and Countervailing Duty Orders on Oil Country Tubular Goods from India: Notice of Intent to Participate,'' dated July 16, 2025; USOMA's Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from India: Domestic Interested Parties' Notice of Intent to Participate,'' dated July 16, 2025; U.S. Steel's Letter, ''Second Five-Year (''Sunset'') Review of Antidumping Duty Order on Oil Country Tubular Goods from Korea: Notice of Intent to Participate,'' dated July 16, 2025; USOMA's Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Republic of Korea: Domestic Interested Parties' Notice of Intent to Participate,'' dated July 16, 2025; U.S. Steel's Letter, ''Second Five-Year (''Sunset'') Review of Antidumping and Countervailing Duty Orders on Oil Country Tubular Goods from Turkey: Notice of Intent to Participate,'' dated July 16, 2025; USOMA's Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Republic of Türkiye: Domestic Interested Parties' Notice of Intent to Participate,'' dated July 16, 2025; U.S. Steel's Letter, ''Second Five-Year (''Sunset'') Review of Antidumping Duty Order on Oil Country Tubular Goods from Vietnam: Notice of Intent to Participate,'' dated July 16, 2025; USOMA's Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Domestic Interested Parties' Notice of Intent to Participate,'' dated July 16, 2025; U.S. Steel's Letter, ''Second Five-Year (''Sunset'') Review of Antidumping Duty Order on Oil Country Tubular Goods from Ukraine: Notice of Intent to Participate,'' dated July 16, 2025; and USOMA's Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from Ukraine: Domestic Interested Parties' Notice of Intent to Participate,'' dated July 16, 2025 (collectively, Notice of Intent Letters).

[5] *See* Notice of Intent Letters.

[6] *See* Commerce's Letter, ''Sunset Reviews Initiated on July 1, 2025,'' dated July 21, 2025.

[7] *See* Domestic Interested Parties' Letter, ''Oil-Country Tubular Goods from India: Substantive Response of the Domestic Industry to Commerce's Notice of Initiation of Five-Year (''Sunset'') Review,'' dated July 31, 2025; Domestic Interested Parties' Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Republic of Korea: Domestic Interested Parties' Substantive Response,'' dated July 31, 2025; Domestic Interested Parties' Letter, ''Oil-Country Tubular Goods from Türkiye: Substantive Response of the Domestic Industry to Commerce's Notice of Initiation of Five-Year (''Sunset'') Reviews,'' dated July 31, 2025; Domestic Interested Parties' Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Domestic Interested Parties' Substantive Response,'' dated July 31, 2025; and Domestic Interested Parties' Letter, ''Five-Year (''Sunset'') Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from Ukraine: Domestic Interested Parties' Substantive Response,'' dated July 31, 2025.

[8] *See* Commerce's Letter, ''Sunset Reviews Initiated on July 1, 2025,'' dated August 22, 2025.

[9] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 14, 2025.

[10] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[11] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Second Sunset Reviews of the Antidumping Duty Orders on Certain Oil Country Tubular Goods from India, the Republic of Korea, the Republic of Türkiye, the Socialist Republic of Vietnam, and Ukraine,'' dated concurrently with, and hereby adopted by, this notice.

[12] *Id.*

2. Magnitude of the Margins of Dumping Likely to Prevail
VII. Final Results of Sunset Reviews
VIII. Recommendation

[FR Doc. 2026–00207 Filed 1–8–26; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Rescission, in Part, of Antidumping Duty Administrative Review; 2023–2024

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that Cosmo First Limited (Cosmo) made sales of subject merchandise at less than normal value during the period of review (POR) July 1, 2023, through June 30, 2024. Additionally, Commerce is rescinding the review, in part, with respect to eight companies. We invite interested parties to comment on these preliminary results.

DATES: Applicable January 9, 2026.

FOR FURTHER INFORMATION CONTACT: Jacob Saude or Thomas Cloyd, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0981 or (202) 482–1246, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2002, Commerce published the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from India.[1] On August 14, 2024, in accordance with 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of: (1) Chiripal Poly Films Limited (Chiripal); (2) Cosmo;[2] (3) Ester Industries Limited (Ester); (4) Garware Hi-Tech Films Limited (Garware); (5) Jindal Poly Films Ltd. and Jindal Poly Films Ltd. (India) (Jindal); (6) JPFL Films Private Ltd. (JPFL); (7) Polyplex Corporation Limited (Polyplex); (8) SRF Limited (SRF); and 9) Vacmet India Limited (Vacmet).

Pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), Commerce extended the deadline for the preliminary results until October 29, 2025.[3] Due to a lapse in appropriations and Federal Government shutdown, on November 14, 2025, Commerce tolled all deadlines in this administrative proceedings by 47 days.[4] Additionally, due to a backlog of documents that were electronically filed via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) during the Federal Government shutdown, on November 24, 2025, Commerce tolled all deadlines in administrative proceedings by an additional 21 days.[5] Accordingly, the deadline for these preliminary results is now January 5, 2026.

For a detailed description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6] A list of topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is available via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Order

The merchandise subject to the *Order* is PET film. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.

Rescission of Administrative Review in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation. All requests for an administrative review of: (1) Chiripal; (2) Ester; (3) Garware; (4) Jindal; (5) JPFL; (6) Polyplex; (7) SRF; and (8) Vacmet were timely withdrawn.[7] As a result, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to these eight companies.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Because Commerce preliminarily finds that Cosmo failed to cooperate to the best of its ability in responding to our requests for information, Commerce relied on facts available, with adverse inferences (AFA), in determining this company's dumping margin, consistent with section 776 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

We preliminarily determine the following estimated weighted-average dumping margin exists for the period July 1, 2023, through June 30, 2024:

Exporter/producer	Weighted-average dumping margin (percent)
Cosmo First Limited	24.14

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to

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[1] *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India,* 67 FR 44175 (July 1, 2002) (*Order*).

[2] While Commerce initiated this administrative review on Cosmo First Ltd., India, the company reported its name as Cosmo First Limited. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 89 FR 66035 (August 14, 2024) (*Initiation Notice*). *See also* Cosmo's Letter, ''Submission of Section—A Supplemental Questionnaire Response,'' dated July 21, 2025 at 1.

[3] *See* Memorandum, ''Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review; 2023–2024,'' dated June 24, 2025.

[4] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated November 24, 2025.

[5] *See* Memorandum, ''Tolling of all Case Deadlines,'' dated November 24, 2025.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Polyethylene Terephthalate Film, Sheet, and Strip from India; 2023–2024,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* JPFL's Letter, ''Withdrawal Request for Administrative Review,'' dated November 8, 2024; *see also* SRF's Letter, ''Withdrawal of Request for Anti-Dumping Duty Admin Review,'' dated November 12, 2024; Garware's Letter, ''Withdrawal of Request for Anti-Dumping Duty Admin Review,'' dated November 12, 2024; Chiripal's Letter, ''Withdrawal of Request for Anti-Dumping Duty Admin Review),'' dated November 12, 2024; DuPont Teijin Films, Mitsubishi Chemical America, Inc.—Polyester Film Division, and SK Microworks America, Inc.'s Letter, ''Withdrawal of Request for Antidumping Duty Administrative Review,'' dated November 12, 2024; and Polyplex USA LLC's Letter, ''Withdrawal of Request for Review,'' dated November 12, 2024.

the individually examined company, Cosmo, in accordance with section 776(a) and (b) of the Act, there are no calculations to disclose.[8]

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance.[9] Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[10] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[12]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[13] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this review. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically, using ACCESS. Hearing requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time, within 30 days of the publication date of this notice. If a request for a hearing is made, parties will be notified of the time and date of the hearing.[15]

Final Results of Review

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised by the parties in any written briefs, no later than 120 days after the date of publication of these preliminary results.

Assessment Rates

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for assessment of antidumping duties on entries of merchandise covered by this review.[16] Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Broder Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[17] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the final results of this review, if we continue to base Cosmos's weighted-average dumping margin upon total facts available, with adverse inferences, Commerce will instruct CBP to assess antidumping duties at a rate of 24.14 percent to all entries of subject merchandise produced and/or exported by Cosmo.

For the companies listed above in the section ''Partial Recission of Administrative Review'' for which Commerce is rescinding this review, Commerce will instruct CBP to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the POR in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue rescission instructions to CBP no earlier than 35 days after the publication of these preliminary results in the **Federal Register**.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Cosmo will be the rate established for Cosmo in the final results of this review (except, if this rate is zero or *de minimis,* no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 5.71 percent, the all-others rate established in the underlying less-than-fair-value investigation.[18] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of countervailing duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act,

[8] *See* the Preliminary Decision Memorandum at the section, ''Application of Facts Available and Adverse Inferences,'' for a discussion of the AFA rate assigned to Cosmo for these preliminary results.

[9] *See* 19 CFR 351.309(c)(1)(ii); *see also* 19 CFR 351.303 (for general filing requirements).

[10] *See* 19 CFR 351.309.

[11] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[14] *See APO and Service Procedures.*

[15] *See* 19 CFR 351.310(d).

[16] *See* 19 CFR 351.212(b)(1).

[17] *Id.*

[18] *See Order.*

and 19 CFR 351.213(d)(1), 19 CFR 351.213(h)(2), and 351.221(b)(4).

Dated: January 5, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Application of Facts Available with Adverse Inferences
V. Recommendation

[FR Doc. 2026–00225 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF465]

Fisheries of the South Atlantic, Gulf of America, and Caribbean; Southeast Data, Assessment, and Review Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of the Southeast Data Assessment and Review Steering Committee meeting.

SUMMARY: The Southeast Data, Assessment, and Review (SEDAR) Steering Committee will meet to discuss the SEDAR stock assessment process and assessment schedule. See **SUPPLEMENTARY INFORMATION.**

DATES: The SEDAR Steering Committee will meet Wednesday, February 11, 2026, from 10 a.m. until 6 p.m. Eastern and from 9 a.m. until 3 p.m. Eastern on Thursday, February 12, 2026. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the SEDAR process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The SEDAR Steering Committee meeting will be held at the Hilton Garden Inn Charleston Airport & Convention Center, 5265 International Blvd., Charleston, SC 29418; phone: 843–308–9330.

SEDAR address: 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405. *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Program Manager, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone 843/571–4366 or toll free 866/SAFMC–10; FAX 843/769–4520; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The SEDAR Steering Committee provides guidance and oversight of the SEDAR stock assessment program and manages assessment scheduling. The items of discussion for this meeting are as follows: SEDAR Projects Update; SEDAR Projects Schedule; SEDAR Process Review and discussions; and other business as needed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 7, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–00287 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF411]

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a webinar of its Risk Policy Working Group to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This webinar will be held on Friday, January 23, 2026, at 12 p.m.

Webinar registration URL information: *https://nefmc-org.zoom.us/meeting/register/_OMqc5DtS9yQwczWmtp9-Q.*

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Risk Policy Working Group will meet to discuss the development and use of Risk Policy Matrix in Council actions. They will continue to refine elements of the Risk Policy Concept for future use. The group will also review feedback from simulation testing and consider recommending adjustments to the Risk Policy factors, data sources, and scoring rubric and recommend changes to the Risk Policy Concept. They will discuss how the Risk Policy can be used to support longer-term (up to 5 years) specification setting. Other business will be discussed, if necessary.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Cate O'Keefe, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 7, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–00279 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF397]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Yakutat Small Boat Harbor Replacement Project in Yakutat, Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: Notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the City & Borough of Yakutat, Alaska (CBY) to incidentally harass marine mammals during construction activities associated with the Yakutat Small Boat Harbor Replacement Project in Yakutat, Alaska.

DATES: This authorization is effective for 1 year from the date of notification by the IHA-holder, not to exceed 1 year from the date of issuance (January 6, 2026).

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-city-borough-yakutat-alaskas-yakutat-small-boat-harbor.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Robert Pauline, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Marine Mammal Protection Act (MMPA) Background and Determinations

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and the public has an opportunity to comment on the proposed IHA.

Specifically, NMFS will issue an IHA if it finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least [practicable] adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as ''mitigation''). NMFS must also prescribe requirements pertaining to the monitoring and reporting of such takings. The definitions of key terms, such as ''take,'' ''harassment,'' and ''negligible impact,'' can be found in the MMPA and the NMFS' implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

Summary of Request

On September 30, 2025, a notice of NMFS' proposal to issue an IHA to CBY for take of marine mammals incidental to the Yakutat Small Boat Harbor Replacement Project Seward Cruise Ship Passenger Dock and Terminal Facility published in the **Federal Register** (90 FR 46812). Following NMFS' review of the application and subsequent discussions between NMFS and CBY, the application was deemed adequate and complete on September 16, 2025.

CBY's request is for take of nine species of marine mammals by Level B harassment only, and for a subset of these species, Level A harassment. Neither CBY nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of the Specified Activity

CBY is replacing the existing Yakutat Small Boat Harbor (YSBH) infrastructure which has been in use for approximately 60 years. The replacement project will improve accessibility, public safety, and continue to provide the current level of public service and vessel mooring in Yakutat, Alaska. The existing gangway, headwalk, mainwalk, finger, and seaplane floats will be removed. The existing approach dock will be extended. New modular floats will be installed following completion of the approach dock extension. Temporary and permanent piles will secure the floats during and after installation.

In-water pile driving would occur on approximately 54 non-consecutive days over the course of 1 year. The planned activities that have the potential to take marine mammals, by Level A and Level B harassment, include vibratory removal of current steel and timber piles, vibratory installation and removal of temporary steel pipe piles, vibratory and impact installation of permanent steel pipe piles, and down-the-hole drilling (DTH) of rock sockets.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (90 FR 46812, September 30, 2025). Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

NMFS published a notice of its proposal to issue an IHA to CBY in the **Federal Register** on September 30, 2025 (90 FR 46812). That notice described, in detail, CBY's specified activities, the marine mammal species that may be affected by the activities, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of the proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments.

No comments were received during the 30-day public comment period.

Changes From the Proposed IHA to Final IHA

Since the publication of the proposed IHA (90 FR 46812, September 30, 2025), NMFS has revised one of the assumptions made about construction processes and has corrected several minor errors and omissions.

Scientific papers by Miner (2020) and Heyvaert and Reyff (2021) were cited in the proposed IHA but were not included in the formal list of References. These items have since been added. A new reference above to Denes *et al.* (2016) has also been added to the list of References. The updated reference list may be found at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-city-borough-yakutat-alaskas-yakutat-small-boat-harbor.*

Several of the source level (SL) references shown in table 4 in this notice (table 5 in the proposed IHA) have been updated. Additionally, the SL for existing 16-inch (in) steel piles has been corrected to 163 dB RMS in this notice as it was erroneously listed as 160 dB RMS in the proposed notice. Note that 163 dB RMS was used to calculate associated isopleths in table 6 of the proposed notice. Therefore, there are no changes to isopleths derived from the non-impulsive, continuous removal of 16-in steel piles shown in table 6 of this notice.

NMFS has revised our assumptions related to the strike rate used to estimate harassment isopleths for DTH installation of 24-in steel piles. In the notice for the proposed IHA, we used 10 Hertz (Hz). However, upon receipt of updated information that a rate of 13 Hz is more appropriate for 24-in piles, we revised the rate to 13 Hz. This information is included in a new table 5 for this notice which contains all of the inputs applied to the User Spreadsheets used to calculate Level A harassment isopleths. Increasing the repetition rate to 13 Hz for DTH installation of 24-in piles resulted in an increase in auditory injury (AUD INJ) isopleth distances for all hearing groups. This is shown in table 6 in this notice. Shutdown zones for the DTH installation of 24-in piles described in table 9 of this notice have also been revised to reflect the larger Level A harassment isopleths.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS' website (*https://www.fisheries.noaa.gov/find-species).*

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality (M/SI) from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Marine Mammal SARs. All values presented in table 1 are the most recent available at the time of publication (including from the draft 2024 SARs) and are available online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments.*

TABLE 1—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [2]	Stock abundance (CV; N_{min}; most recent abundance survey) [3]	PBR	Annual M/SI [4]
Order Artiodactyla—Infraorder Cetacea—Mysticeti (baleen whales)						
Family Eschrichtiidae:						
Gray whale	*Eschrichtius robustus*	E North Pacific	-,-,N	26,960 (0.05, 25,849, 2016).	801	131
Family Balaenopteridae (rorquals):						
Humpback whale	*Megaptera novaeangliae*	Hawai'i [5]	-,-,N	11,278 (0.56, 7,265, 2020).	127	27.09
		Mex-North Pacific [6]	T, D, Y	918 (N/A, N/A, 2006)	UND	0.57
Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Beluga whale	*Delphinapterus leucas*	Cook Inlet	E, D, Y	331(0.076 311, 2022) [10]	0	0
Killer whale	*Orcinus orca*	E North Pacific Alaska Resident	-,-,N	1,920, (N/A, 1,920, 2019) [7].	19	1.3
		ENP Gulf of Alaska, Aleutian Islands, and Bering Sea Transient stock.	-,-,N	587 (N/A, 587, 2012)	5.9	0.8
		West Coast Transient	-,-,N	349 (N/A, 349, 2018)	3.5	0.4
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena*	Yakutat/SE AK Offshore	-,-,N	N/A (N/A, N/A, 1997)	[11] UND	22.5
Order—Carnivora—Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S.	-,-,N	257,606 (N/A, 233,515, 2014).	14,011	>321
Northern fur seal	*Callorhinus ursinus*	Eastern Pacific	-,D,Y	626,618 (0.2, 530,376, 2019).	11,403	373

TABLE 1—SPECIES [1] WITH ESTIMATED TAKE FROM THE SPECIFIED ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [2]	Stock abundance (CV; N_{min}; most recent abundance survey) [3]	PBR	Annual M/SI [4]
Steller sea lion	*Eumetopias jubatus*	Eastern	-,-,N	36,308 (N/A, 36,308, 2022) [8].	2,178	93.2
		Western	E, D, Y	49,837 (N/A, 49,837, 2022) [9].	299	267
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina*	Prince William Sound	-,-,N	44,756 (N/A, 41,776, 2015).	1,253	413

[1] Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (*https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/;* Committee on Taxonomy, 2022).
[2] ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.
[3] NMFS marine mammal stock assessment reports online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region.* CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable.
[4] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.
[5] The best available abundance estimate for this stock is not considered representative of the entire stock as surveys were limited to a small portion of the stock's range. Based upon this estimate and the N_{min}, the PBR value is likely negatively biased for the entire stock.
[6] Abundance estimates are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown. SAR in 2022 following North Pacific humpback whale stock structure changes.
[7] Abundance estimates are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown.
[8] N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only.
[9] N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the U.S. only. The overall N_{min} is 73,211 and overall PBR is 439.
[10] The Yakutat Bay beluga whales are a subset of the Cook Inlet beluga whale stock which are genetically and geographically separated and have been defined as a small and resident group.
[11] Undetermined.

As indicated above, all 9 species (with 13 managed stocks) in table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur.

In addition to what is included in sections 3 and 4 of the IHA application, and NMFS' website (*https://www.fisheries.noaa.gov/find-species*), further detail informing the regional occurrence for select species of particularly or unique vulnerability (*i.e.,* information regarding ESA listed or MMPA depleted species, information regarding current Unusual Mortality Events (UME) and known important habitat areas such as Biologically Important Areas (BIAs)) (Van Parijs, 2015) were provided in the **Federal Register** notice for the proposed IHA (90 FR 46812, September 30, 2025). Since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to the **Federal Register** notice for these descriptions.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007; 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Generalized hearing ranges were chosen based on the ~65 decibel (dB) threshold from composite audiograms, previous analyses in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). We note that the names of two hearing groups and the generalized hearing ranges of all marine mammal hearing groups have been recently updated (NMFS, 2024) as reflected below in table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS

[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, *Kogia,* river dolphins, Cephalorhynchid, *Lagenorhynchus cruciger* & *L. australis*).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.,* all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on approximately 65 dB threshold from composite audiogram, previous analysis in NMFS (2018), and/or data from Southall *et al.* (2007) and Southall *et al.* (2019). Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more details concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from CBY's construction activities have the potential to result in behavioral harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (90 FR 46812, September 30, 2025) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from CBY's construction activity on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the **Federal Register** notice of the proposed IHA (90 FR 46812, September 30, 2025).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which will inform NMFS' consideration of ''small numbers,'' the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of pile driving and DTH has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for AUD INJ (Level A harassment) to result, primarily for very high frequency species and/or phocids because predicted AUD INJ zones are larger than for high-frequency species and/or otariids. However, the planned mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic criteria above which NMFS believes there is some reasonable potential for marine mammals to be behaviorally harassed or incur some degree of AUD INJ; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.,* previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the authorized take estimates.

Acoustic Criteria

NMFS recommends the use of acoustic criteria that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment). We note that the criteria for AUD INJ, as well as the names of two hearing groups, have been recently updated (NMFS, 2024) as reflected below in the Level A harassment section.

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.,* frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.,* bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.,* Southall *et al.,* 2007; Southall *et al.,* 2021; Ellison *et al.,* 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μPa)) for continuous (*e.g.,* vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μPa for non-explosive impulsive (*e.g.,* seismic airguns) or intermittent (*e.g.,* scientific sonar) sources. Generally speaking, estimates of take by Level B harassment based on these behavioral harassment thresholds are expected to include any likely takes by temporary threshold shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

CBY's planned activity includes the use of continuous (vibratory pile driving and DTH) and impulsive (DTH and impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μPa are applicable.

Level A harassment—NMFS' Updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0) (Updated Technical Guidance, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to five different underwater marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). CBY's planned activity includes the use of impulsive (DTH and impact pile driving) and non-impulsive (vibratory pile driving and DTH) sources.

The 2024 Updated Technical Guidance criteria include both updated thresholds and updated weighting functions for each hearing group. The thresholds are provided in table 3 below. The references, analysis, and methodology used in the development of the criteria are described in NMFS' 2024 Updated Technical Guidance, which may be accessed at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance-other-acoustic-tools.*

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY

Hearing group	AUD INJ onset acoustic thresholds * (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* $L_{pk,flat}$: 222 dB; $L_{E,LF,24h}$: 183 dB	*Cell 2:* $L_{E,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	*Cell 3:* $L_{pk,flat}$: 230 dB; $L_{E,HF,24h}$: 193 dB	*Cell 4:* $L_{E,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	*Cell 5:* $L_{pk,flat}$: 202 dB; $L_{E,VHF,24h}$: 159 dB	*Cell 6:* $L_{E,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* $L_{pk,flat}$: 223 dB; $L_{E,PW,24h}$: 183 dB	*Cell 8:* $L_{E,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* $L_{pk,flat}$: 230 dB; $L_{E,OW,24h}$: 185 dB	*Cell 10:* $L_{E,OW,24h}$: 199 dB.

* Dual metric criteria for impulsive sounds: Use whichever criteria results in the larger isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level criteria associated with impulsive sounds, the PK SPL criteria are recommended for consideration for non-impulsive sources.

Note: Peak sound pressure level ($L_{p,0\text{-}pk}$) has a reference value of 1 μPa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μPa^{2}s. In this table, criteria are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals underwater (*i.e.,* 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level criteria indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level criteria could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these criteria will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the planned project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* pile driving and removal, and DTH).

The project includes vibratory pile installation and removal, impact pile driving, and DTH. Source levels for these activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature. Source levels for each pile size are presented in table 4. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 4—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS GENERATED DURING IN-WATER VIBRATORY AND IMPACT PILE INSTALLATION AND VIBRATORY PILE REMOVAL

Source	Source type	Proxy sound source levels at 10m (dB re 1 μPa or dB re 1 μPa²-sec)			Reference
		RMS source level (SPL RMS)	Sound exposure level (SEL)	Peak source level (SPL RMS)	
Existing steel piles (16″ steel pipe) [1]	Non-impulsive, continuous removal	163			Naval Base Kitsap Bangor Test Pile (Navy (2012)) and EHW–2 (Navy (2013)), Gustavus (Miner, 2020).
Existing timber piles (12″ timber)	Non-impulsive, continuous removal	162.0			Caltrans 2020.
Trestle template piles (24″ steel pipe or equivalent).	Non-impulsive, continuous installation & removal.	163.0			Naval Base Kitsap Bangor Test Pile (Navy (2012)) and EHW–2 (Navy (2013)), Gustavus (Miner, 2020).
Trestle piles (12.75″ steel pipe)	Non-impulsive, continuous installation	160.0			Caltrans 2020.
	Impulsive installation	177.0	167.0	192.0	Caltrans 2015, 2020.
Float piles (24″ steel pipe)	Non-impulsive, continuous installation	163.0			Naval Base Kitsap Bangor Test Pile (Navy (2012)) and EHW–2 (Navy (2013)), Gustavus (Miner, 2020).
	Impulsive Installation	190	177	203	Caltrans 2015.
	DTH Drilling	167.0	159.0	184.0	Heyvaert & Reyff 2021.

Note: peak = peak sound level; rms = root mean square; SEL = sound exposure level.

[1] NMFS applied data from vibratory driving of 24-in piles to smaller 16-in piles in this analysis due to concerns about data quality of measurements of smaller piles.

TL is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater *TL* is:

$TL = B \times \text{Log}10\ (R_1/R_2)$,

Where:

TL = transmission loss in dB

B = transmission loss coefficient

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured *TL,* a practical spreading value of 15 is used as the *TL* coefficient in the above formula. Site-specific *TL* data for Shipyard Cove where the YSBH is located are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A harassment and Level B harassment thresholds.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Updated Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur auditory injury. Inputs used in the User Spreadsheet (*e.g.,* number of piles per day, duration and/or strikes per pile) are found in tables 4 and 5. The resulting estimated isopleths are reported in table 6.

TABLE 5—NMFS USER SPREADSHEET INPUTS

Pile size and type	Spreadsheet tab used	Distance associated with sound pressure level (m)	Trans-mission loss constant	Strike rate (avg. strikes per second)	Weighting factor adjustment (kHz)	Number of piles per day	Duration single pile (minutes)	Number of strikes per pile	Duration of sound production in a day (seconds)
Existing steel piles (16″ steel pipe).	A.1. Vibratory pile driving.	10	15	....	2.5	15	15	....	13,500
Existing timber piles (12″ timber).	A.1. Vibratory pile driving.	10	15	....	2.5	15	15	....	13,500
Trestle template piles (24″ steel pipe or equivalent).	A.1. Vibratory pile driving.	10	15	....	2.5	4	20	....	4,800
Trestle piles (12.75″ steel pipe).	A.1. Vibratory pile driving.	10	15	....	2.5	4	20	....	4,800
	E.1. Impact pile driving.	10	15	....	2	4	....	500	....
Float piles (24″ steel pipe).	A.1. Vibratory pile driving.	10	15	....	2.5	5	20	....	6,000
	E.1. Impact pile driving.	10	15	....	2	5	....	1,000	....
	E.2: DTH Drilling	10	15	13	2	2	180	....	21,600

TABLE 6—PREDICTED LEVEL A AND LEVEL B HARASSMENT ISOPLETHS

Source	Source type	AUD INJ Isopleths(m)/area (km²)					Disturbance Isopleth (m)/area (km²)
		(LF) Low frequency cetaceans	(HF) High frequency cetaceans	(VHF) Very high frequency cetaceans	Phocid pinnipeds (PW)	Otariid pinnipeds (OW)	
Pile Removal							
Existing steel piles (16″ steel pipe)	Non-impulsive, continuous removal	30.3 0.0437	11.6 0.0345	24.7 0.0312	39 0.0436	13.1 0.0354	7,356.4 4.4207
Existing timber piles (12″ timber)	Non-impulsive, continuous removal	26.0 0.0396	10.0 0.0312	21.2 0.0396	33.4 0.0436	11.2 0.0354	6,309.6 4.4207
Temporary Piles							
Trestle template piles (24″ steel pipe or equivalent).	Non-impulsive, continuous installation & removal.	15.2 0.0354	5.8 0.0312	12.4 0.0396	19.5 0.0354	6.6 0.0312	7,356.4 4.4207
New Pile Installation							
Trestle piles (12.75″ steel pipe)	Non-impulsive, continuous installation ...	9.6 0.0312	3.7 0.0312	7.8 0.0312	12.3 0.0354	4.2 0.0312	4,641.6 4.4207
	Impulsive installation	135.5 0.1019	17.3 0.0354	209.6 0.1495	120.3 0.0968	44.9 0.0464	135.9 0.1019
Float piles (24″ steel pipe)	Non-impulsive, continuous installation ...	17.6 0.0354	6.8 0.0312	14.4 0.0354	22.7 0.0396	7.6 0.0312	7,356.4 4.4207
	Impulsive Installation	1,158.3 1.1225	147.8 0.1100	1,792.4 2.6634	1,028.9 0.9918	383.5 0.2436	1,000 0.9446
	DTH Drilling	1,071.7 1.0798	136.7 0.1010	1,658.5 2.3357	952.21 0.8803	354.9 0.2325	13,593.6 4.4207[1]

[1] Even though the isopleth is larger than other isopleths, the associated area is equivalent to areas of several other isopleths due clipping of the ensonified area by landforms.

Marine Mammal Occurrence and Take Estimate

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

CBY calculated occurrence estimates based on literature and communication with locals in the Yakutat area, notably a local charter boat operator. They then multiplied that occurrence by estimated days, weeks, or months of work. After reviewing their occurrence estimates, NMFS believed some of the estimates to be inconsistent with the cited literature and local observations. Following careful review of the analysis and literature presented by CBY in its application, including marine mammal occurrence data and estimates, NMFS has determined that the occurrence estimates for some species represent the best available scientific information for marine mammal abundance in the action area. The following paragraphs explain how the local abundance of authorized species was determined (table 7). Table 8 depicts the authorized take by stock, harassment type, and as a percentage of stock abundance.

Humpback Whale

Dalheim *et al.* (2019) reported an average group size between 1.2 and 2 humpback whales while the Yakutat Charter Boat Company reports group sizes ranging up to 10 individuals, but typically an average of 3 whales per group. It was assumed that there would be three whales per group with one group sighting per day over 54 days. Approximately 97.6 percent likely originate from the Hawaii stock while 2.4 percent are from the Mexico Distinct Population Segment (DPS) (Wade 2021). No take by Level A harassment is expected due to the large shutdown zone and easy observability of animals from this species.

Gray Whale

The local boat charter company reports gray whales are occasionally seen travelling in groups of three. It was assumed that there would be one whale spotted every three days. No take by Level A is expected due to the large shutdown zone and easy observability of animals from this species.

Killer Whale

Killer whale group sizes in Southeast Alaska vary by ecotype and by season (Dalheim *et al.* 2009). Resident killer whales had group sizes of 15.6–70 in the spring, 25–45 in the summer, and 15–36 in the fall; and transient killer whales had group sizes of 1–14–5.6 in the spring, 4.25–14.5 in the summer, and 1–16.33 in the fall. The local charter boat reports the whales are intermittently spotted about once a month, traveling in groups of up to 10 individuals. Therefore, it is assumed that there will be a single group of 10 animals spotted once per month. For the purpose of estimating the percentage of each stock taken, it is assumed that all takes would accrue to each stock.

No take by Level A harassment is proposed or authorized due to the small AUD INJ zone and high visibility of this species.

Harbor Porpoise

An average group size of two has been reported by Zerbini *et al.* (2022) while NMFS has indicated that group sizes can be as large as 10 (NMFS 2025). Dalheim *et al.* (2009) reported a mean group size of 1.2–2.7. For estimated authorized take it was assumed that there would be three animals per group with a single group observed per day for 54 days of in-water driving. Take by Level A harassment is not proposed or authorized since the Level A harassment zone is larger than the Level B harassment zone during impact driving and DTH. The apportioning of Level A and Level B harassment takes is described below.

Beluga Whale

Observation of beluga whales in the project area is uncommon. This is not surprising given the small number of animals (<20) in this small resident population and relatively large habitat area. Lucey *et al.* (2015) reported two sightings of beluga whales in Yakutat Bay off Khantaak Island, within approximately 5 miles of the project site. The sightings occurred in March 2003 and June 2008. Lucey *et al.* (2015) also compiled 76 beluga sightings from 1938 to 2013 within Yakutat Bay. The average group size was reported to be 6 to 10 individuals per sighting. Sightings of belugas from 1976 to 2000 in the Yakutat area from various sources were compiled in Laidre *et al.* (2000). Sightings in the 1990s tended to be groups of 1 to 11 individuals. The core habitat area for this small resident population is Disenchantment Bay, approximately 50 kilometers (km) to the northwest. Given the rarity of this group, NMFS considers it reasonably likely that groups of up to 10 belugas may occur within the project area up to 2 times over the course of the project. No take by Level A harassment is proposed or authorized due to the small AUD INJ zone.

Steller Sea Lion

A marine mammal monitoring report from the Ocean Cape Seafoods Dock Fender Repairs project in Monti Bay reported a single occurrence of an unidentified otariid, presumably a Steller sea lion, during 1 week in October 2016 (Bacon *et al.,* 2016). The local boat charter reported a single animal camped out at the YSBH harbor, but no other information about regular occurrences was available. Steller sea lions are also known to congregate around fishing boats in harbors and marinas. Since the YSBH houses a number of commercial fishing vessels, it was conservatively assumed that six animals could be observed per day over 54 days of in-water work. No take by Level A harassment is proposed or authorized due to the small AUD INJ zone.

California Sea Lion

California sea lion sightings in Southeast and Southcentral Alaska are relatively rare but do occur on occasion (Woodford 2020). There are no records of California sea lions in the Global Biodiversity Information Facility (GBIF) in the project area (GBIF 2024). A marine mammal monitoring report from the Ocean Cape Seafoods Dock Fender Repairs project in Monti Bay reported one occurrence of a single unidentified otariid during 1 week in Oct 2016 (Bacon *et al.* 2016). CBY conservatively proposed, and NMFS concurs, that there could be a single sighting per week over the 24-week project timeline. No take by Level A harassment is proposed or authorized due to the small AUD INJ zone.

Northern Fur Seal

Northern fur seals are uncommon in the project area as there are no definitive observations on record. A marine mammal monitoring report from the Ocean Cape Seafoods Dock Fender Repairs project in Monti Bay reported one occurrence of a single unidentified otariid, which may have been a fur seal, during 1 week in October 2016 (Bacon *et al.,* 2016). CBY conservatively proposed, and NMFS concurs that a single animal could be observed during each month of the proposed project. No take by Level A harassment is proposed or authorized due to the small AUD INJ zone.

Harbor Seal

The local charter boat reports that harbor seals are not typically observed entering Shipyard Cove, but are regularly recorded in Yakutat Bay and associated fjords of Disenchantment Bay, where they use glacial ice for critical life stages like pupping and molting. Records of harbor seals in the GBIF show 30 occurrences reported by the public and agencies within and immediately offshore of Yakutat Bay in the past 20 years (GBIF 2024). It is conservatively assumed that three harbor seals would be observed per day over 54 in-water workdays. Take by Level A harassment is authorized because the Level A harassment zone is larger than the Level B harassment zone for impact driving and DTH activities. The apportioning of Level A and Level B harassment takes is described below.

Total exposure estimates were calculated by multiplying the number of days of work (54 days total; 22 days of vibratory-only activities, and 32 days of vibratory, impact, and DTH activities) by the occurrence estimates for each species, and total exposures were then divided into estimates of take by Level A and Level B harassment. For days with impact and DTH activities, there is potential for take by Level A harassment for very high-frequency cetaceans (harbor porpoises) and phocid pinnipeds (harbor seals) due to the larger Level A harassment zones associated with animals in these hearing groups. In some instances, the largest zones for some species are greater than the shutdown zones due to the cryptic nature and assumed lower detectability of some species and the sensitivity of these species' hearing thresholds. CBY calculated estimated take by Level A harassment for these species by calculating the ratio of the area of the Level A harassment zones to the area of the maximum Level B harassment zone. This ratio was multiplied by the exposure estimate for days with impact driving and DTH activities to get the estimated take by Level A harassment. Take by Level B harassment was then calculated by subtracting the calculated take by Level A harassment from the total exposure estimate. This was only necessary for harbor porpoises and harbor seals as they are the only species for which the Level A harassment zones exceeded the Level B harassment zone. Calculations are presented below.

Harbor Porpoise

3 animals/day × 22 days vibratory driving = 66 exposures

3 animals/day × 32 days vibratory/impact/DTH = 96 exposures

Ratio of Maximum Level A harassment area (2.663)/Maximum Level B harassment area (4.4207) = 0.60

Level A harassment estimate = 0.60 * 96 animals = 58 takes by Level A harassment

Level B harassment estimate = 66 + 96 − 58 = 104 takes by Level B harassment

Harbor Seal

3 animals/day × 22 days vibratory driving = 66 exposures

3 animals/day × 32 days vibratory/impact/DTH = 96 exposures

Ratio of Maximum Level A harassment area (0.991)/Maximum Level B harassment area (4.4207) = 0.22

Level A harassment estimate = 0.22 * 96 animals = 22 takes by Level A harassment

Level B harassment estimate = 66 + 96 − 22 = 140 takes by Level B harassment

TABLE 7—SPECIES OCCURRENCE AND TOTAL EXPOSURE ESTIMATES

Species	Abundance estimate
Humpback whale	3 whales/group × 1 group/day x 54 days = 162 split between 2 stocks.
Gray whale	1 whale every 3 days =18.
Killer whale	10 whales/group × 1 group/every month (7) = 70 split between 3 stocks.
Harbor porpoise	3/group × 1 group/day × 54 days in-water driving = 162 animals split between Level A and Level B harassment takes.
Beluga whale	10/group × 2 groups over project duration = 20.
Steller Sea lion	6/day × 54 days vibratory = 324.
California sea lion	1/week × 24 weeks = 24.
Northern fur seal	1 animal/month × 7 months = 7.
Harbor seal	3/day × 54 days = 162 animals split between Level A and Level B harassment takes.

TABLE 8—AUTHORIZED TAKE BY STOCK, HARASSMENT TYPE, AND AS A PERCENTAGE OF STOCK ABUNDANCE

Species	Stock	Stock abundance	Level A harassment take	Level B harassment take	Percentage
Humpback whale	Hawai'i	11,278	0	158	1.4
	Mex-North [1] Pacific/ Mexico DPS.	N/A (918)	0	4	0.4
Gray whales	ENP	29,260	0	18	0.06
Killer whales	ENP Alaska Resident	1,920	0	70	3.6
	ENP Gulf of Alaska, Aleutian Islands, and Bering Sea Transient.	302	0		23.1
	West Coast Transient	349	0		20.0
Harbor porpoises	Yakutat/Southeast Alaska Offshore Waters stock).	UNK (11,146)	58	94	1.5
Beluga whales	Cook Inlet stock	331	0	20	6.04
Steller sea lions	Eastern DPS	36,308	0	297	0.8
	Western DPS [2]	49,837	0	27	0.05
California sea lions	U.S. stock	257,606	0	24	<0.01
Northern fur seals	Eastern Pacific	62,6618	0	7	<0.01
Harbor seals	Prince William Sound	44,756	22	140	0.4

[1] For MMPA take apportionment and ESA section 7 consultation purposes, 2.4 percent are designated to the Mexico-North Pacific stock, and the remaining are designated to the Hawai'i stock (Wade 2021).
[2] Approximately 8.2 percent of SSLs in this area are from the WDPS (NMFS 2020).

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

The mitigation requirements described below were proposed by CBY in its adequate and complete application or are the result of subsequent coordination between NMFS and CBY. CBY has agreed that all of the mitigation measures are practicable. NMFS has fully reviewed the specified activities and the mitigation measures to determine if the mitigation measures would result in the least practicable adverse impact on marine mammals and their habitat, as required by the MMPA, and has determined the measures are appropriate. NMFS describes these below and has included them in the issued IHA.

CBY must ensure that construction supervisors and crews, the monitoring team, and relevant CBY staff are trained prior to the start of all pile driving and DTH activity, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.

Pre- and Post-Activity Monitoring

- Monitoring must take place from 30 minutes prior to initiation of pile driving and DTH activity (*i.e.,* pre-clearance monitoring) through 30 minutes post-completion of pile driving and DTH activity; and,
- Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead protected species observer (PSO) to determine that the shutdown zones indicated in table 9 are clear of marine mammals. Pile driving and DTH may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals.

Soft Start

CBY must use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of three strikes at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. A soft start must be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

Shutdown Zones

CBY would establish shutdown zones for all pile driving activities. The purpose of a shutdown zone is generally to define an area within which shut down of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area).

If a marine mammal is observed entering or within the shutdown zones indicated in table 9, pile driving and DTH must be delayed or halted. For in-water heavy machinery activities other than pile driving, if a marine mammal comes within 10 m, work must stop and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions. A 10-m shutdown zone would also serve to protect marine mammals from physical interactions with project vessels during pile driving and other construction activities, such as barge positioning or drilling. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone indicated in table 9, or 15 minutes have passed without re-detection of the animal. Construction activities must be halted upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within the harassment zone.

All marine mammals would be monitored to the extent possible based on PSO locations. If a marine mammal enters the Level B harassment zone, in-water activities would continue and the animal's presence within the estimated harassment zone would be documented.

CBY would also establish shutdown zones for all marine mammals for which take has not been authorized or for which incidental take has been authorized but the authorized number of takes has been met. If a marine mammal species for which take is not authorized by this IHA enters the shutdown zone, all in-water activities would cease until the animal leaves the zone or has not been observed for at least 15 minutes. Pile driving would proceed if the non-IHA species is observed to leave the Level B harassment zone or if 15 minutes have passed since the last observation.

If shutdown and/or clearance procedures would result in an imminent safety concern, as determined by CBY or its designated officials, the in-water activity would be allowed to continue until the safety concern has been addressed, and the animal would be continuously monitored.

TABLE 9—SHUTDOWN ZONES AND LEVEL B HARASSMENT ZONES

Pile size/type	Construction method	Shutdown zones—authorized species (m)					Monitoring zone (m)
		LF	HF	VHF	PW	OW	Level B harassment
Pile Removal							
Existing steel piles (16″ round steel)	Non-impulsive, continuous removal	40	40	40	40	40	7,360
Existing timber piles (12″ timber)	Non-impulsive, continuous removal	30	10	30	40	20	6,310

TABLE 9—SHUTDOWN ZONES AND LEVEL B HARASSMENT ZONES—Continued

Pile size/type	Construction method	Shutdown zones—authorized species (m)					Monitoring zone (m)
		LF	HF	VHF	PW	OW	Level B harassment
Temporary Piles							
Template piles (24″ steel pipe or equivalent).	Non-impulsive, continuous installation & removal.	20	10	20	20	10	7,360
New Pile Installation							
Trestle piles (12.75″ steel pipe)	Non-impulsive, continuous installation	10	10	10	20	10	4,650
	Impulsive installation	140	20	210	130	50	140
Float piles (24″ steel pipe)	Non-impulsive, continuous installation	20	10	20	30	10	7,360
	Impulsive installation	1,160	150	200	200	400	1,000
	DTH Drilling	1,160	150	200	200	400	[1] 13,600

[1] This isopleth is considerably larger than other isopleths but is clipped by landforms.

Protected Species Observers

The placement of PSOs during all construction activities (described in the Monitoring and Reporting section) would ensure that the entire shutdown zone is visible. Should environmental conditions deteriorate such that the entire shutdown zone would not be visible (*e.g.,* fog, heavy rain), pile driving would be delayed until the lead PSO is confident marine mammals within the shutdown zone could be detected.

CBY must employ PSOs and establish monitoring locations as described in the marine mammal monitoring plan and the IHA. PSOs would monitor the full shutdown zones and the Level B harassment zones to the extent practicable. Monitoring zones provide utility for observing by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring zones enable observers to be aware of and communicate the presence of marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone.

Based on our evaluation of the applicant's planned measures, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

The monitoring and reporting requirements described in the following were proposed by CBY in its adequate and complete application and/or are the result of subsequent coordination between NMFS and CBY. CBY has agreed to the requirements. NMFS describes these below as requirements and has included them in the issued IHA.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the conditions in this section and the IHA. Marine mammal monitoring during pile driving and DTH activities must be conducted by PSOs meeting the following requirements:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor) and have no other assigned tasks during monitoring periods;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute relevant experience (including Alaska Native traditional knowledge), education (degree in biological science or related field), or training for prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization or Letter of Concurrence (LOC);
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. The lead observer would be required to have prior experience performing the duties of a PSO during construction activities pursuant to a

NMFS-issued incidental take authorization; and

• PSOs must be approved by NMFS prior to beginning any activities subject to this IHA.

PSOs must have the following additional qualifications:

• Ability to conduct field observations and collect data according to assigned protocols;

• Experience or training in the field identification of marine mammals, including the identification of behaviors;

• Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

• Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and,

• Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

CBY must assign a minimum of two PSOs to monitor during pile driving and DTH. They must be stationed where they have an unobstructed view of the work being conducted and unobstructed view of all the water within the Shutdown Zones and as much of the Level B harassment zone as possible. Optimal observation locations will be selected based on visibility and the type of work occurring. All PSOs would have access to high-quality binoculars, range finders to monitor distances, and a compass to record bearing to animals as well as radios or cells phones for maintaining contact with work crews.

Monitoring would be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, PSOs would record all incidents of marine mammal occurrence, regardless of distance from activity, and would document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

CBY shall conduct briefings between construction supervisors and crews, PSOs, and CBY staff prior to the start of all pile driving activities and when new personnel join the work. These briefings must explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

Reporting

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal activities, or 60 days prior to a requested date of issuance from any future IHAs for projects at the same location, whichever comes first. The report would include an overall description of work completed, a narrative regarding marine mammal sightings, and associated electronic PSO data sheets. Specifically, the report must include:

• Dates and times (begin and end) of all marine mammal monitoring;

• Construction activities occurring during each daily observation period, including the number and type of piles driven or removed and by what method (*i.e.,* impact) and the total equipment duration for vibratory removal for each pile or total number of strikes for each pile (impact driving);

• PSO locations during marine mammal monitoring;

• Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;

• Upon observation of a marine mammal, the following information: (1) Name of PSO who sighted the animal(s) and PSO location and activity at the time of sighting; (2) Time of sighting; (3) Identification of the animal(s) (*e.g.,* genus/species, lowest possible taxonomic level, or unidentifiable), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) Distance and bearing of each marine mammal observed relative to the pile being driven for each sightings (if pile driving was occurring at time of sighting); (5) Estimated number of animals (min/max/best estimate); (6) Estimated number of animals by cohort (adults, juveniles, neonates, group composition, sex class, *etc.*); (7) Animal's closest point of approach and estimated time spent within the harassment zone; (8) Description of any marine mammal behavioral observations (*e.g.,* observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (*e.g.,* no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);

• Number of marine mammals detected within the harassment zones and shutdown zones; by species; and,

• Detailed information about any implementation of any mitigation triggered (*e.g.,* shutdowns and delays), a description of specific actions that ensured, and resulting changes in behavior of the animal(s), if any.

If no comments are received from NMFS within 30 days, the draft final report would constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, CBY must immediately cease the specified activities and report the incident to the Office of Protected Resources (*PR.ITP.MonitoringReports@noaa.gov*), NMFS and to the Alaska Regional Stranding Coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, CBY must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. CBY must not resume their activities until notified by NMFS. The report must include the following information:

• Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);

• Species identification (if known) or description of the animal(s) involved;

• Condition of the animal(s) (including carcass condition if the animal is dead);

• Observed behaviors of the animal(s), if alive;

• If available, photographs or video footage of the animal(s); and,

• General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.,* intensity, duration), the context of any impacts or responses (*e.g.,* critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

Pile driving and DTH activities associated with the CBY project have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level A and Level B harassment, from underwater and in-air sounds generated from pile driving and removal. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

Takes by Level B harassment would be due to potential behavioral disturbance and TTS. Takes by Level A harassment would be due to auditory injury. No serious injury or mortality is expected or authorized, even in the absence of required mitigation measures, given the nature of the activities. The potential for harassment would be further minimized through the construction method and the implementation of the planned mitigation measures.

Take by Level A harassment is authorized for harbor porpoises and harbor seals to account for the possibility that an animal could enter a Level A harassment zone and remain within that zone for a duration long enough to incur auditory injury before being observed by PSOs. Given the relatively short duration expected to drive each pile, and breaks between pile installations (to reset equipment and move piles into place), an animal would have to remain within the area estimated to be ensonified above the Level A harassment threshold for an extended period. This is highly unlikely given the mobile nature of marine mammals in the area. Any take by Level A harassment is expected to arise from, at most, a small degree of auditory injury, *i.e.,* minor degradation (likely only a few dB) of hearing capabilities within regions of hearing that align most completely with the energy produced by vibratory and impact pile driving (*i.e.,* the low-frequency region below 2 kHz). Severe hearing impairment or impairment within the ranges of greatest hearing sensitivity are unlikely. Animals would need to be exposed to higher levels and/or longer duration than are anticipated. Due to the small degree anticipated, any auditory injury incurred would not be expected to affect the reproductive success or survival of any individual, much less result in adverse impacts on the species or stock.

Additionally, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual's long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

Behavioral responses of marine mammals to pile driving and DTH in the ensonified area are expected to be mild, short term, and temporary. Marine mammals within the Level B harassment zones may not show any visual cues they are disturbed by the planned activities, or they could become alert, avoid the area, leave the area, or display other mild responses that are not observable, such as changes in vocalization patterns. Given that pile driving and DTH would occur intermittently and for only a portion of the project's duration, any harassment would be temporary.

Any impacts on marine mammal prey that would occur during CBY's planned activity would have, at most, short-term effects on foraging of individual marine mammals and, likely, no effect on the populations of marine mammals as a whole. Indirect effects on marine mammal prey during the construction are expected to be minor, and these effects are unlikely to cause substantial effects on marine mammals at the individual level, with no expected effect on annual rates of recruitment or survival.

For all species and stocks, take would occur within a limited, confined space (*i.e.,* in-water ensonified area adjacent to the project site) of the stock's range. While pinniped species are most likely to occur within the immediate project area, the nearest officially documented haulouts are outside of the ensonified area and located some distance from the project area. There are no Steller sea lion haulouts in the project area. The closest haulouts are between 8 km (harbor seal) and 48 km (Steller sea lion) km from the project area.

There is a migratory BIA for the gray whale that includes the months of January, March, April, May, November and December. In-water construction operations would occur during the March through May period when whales are migrating; however, the project area is inside Yakutat Bay, a relatively sheltered area with only one entrance and exit point, and gray whales are not expected to spend significant time nearby. There is also a Yakutat Bay Beluga whale Small and Resident Population BIA that is active year-round. The core area for this population, however, is Disenchantment Bay located approximately 50 km from the project site. Movement of whales near Yakutat would likely occur infrequently and the amount of time spent in the project area is expected to be low.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the reproduction or survival of any individuals, much less the stocks' annual rates of recruitment or survival. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities would have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Take by Level A harassment (AUD INJ) is authorized for two species due to associated large Level A harassment zones but the amount of take would be limited and of a low degree;
- For all species and stocks, Yakutat Bay is a small and peripheral part of their range;
- The intensity of anticipated take by Level B harassment is relatively low for all stocks. Level B harassment would be primarily in the form of behavioral disturbance, resulting in avoidance of the project areas around where impact driving and DTH is occurring, with some low-level TTS that may limit the detection of acoustic cues for relatively brief periods;
- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations;
- The ensonified areas are small relative to the overall habitat ranges of all species and stocks; and,
- The lack of anticipated significant or long-term negative effects to marine mammal habitat.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned monitoring and mitigation measures, NMFS finds that the total marine mammal take from the activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under section 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers (86 FR 5322, January 19, 2021). Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

Another circumstance in which NMFS considers it appropriate to make a small numbers finding is in the case of a species or stock that may potentially be taken but is either rarely encountered or only expected to be taken on rare occasions. In that circumstance, one or two assumed encounters with a group of animals (meaning a group that is traveling together or aggregated, and thus exposed to a stressor at the same approximate time) should reasonably be considered small numbers, regardless of consideration of the proportion of the stock (if known), as rare encounters resulting in take of one or two groups should be considered small relative to the range and distribution of any stock.

While the percentage of stock taken for the Cook Inlet beluga whale stock is below one third, the Yakutat portion of the Cook Inlet beluga whale stock is considered to be resident in the waters around Yakutat, particularly in Disenchantment Bay, and consists of fewer than 20 individuals. It is possible that all or a subset of these whales will visit the project site during the construction period during their regular movements in the area. NMFS considers it reasonably likely that Yakutat belugas may occur up to two times during the project. Based on the rarity of encounters with this group expected, this represents small numbers for this stock.

For all other stocks, except for the ENP Gulf of Alaska, Aleutian Islands, and Bering Sea transient and West Coast transient stocks of killer whale, the authorized number of takes is less than one-third of the best available population abundance estimate (table 9). The numbers of animals authorized to be taken from these stocks would be considered small relative to the relevant stocks' abundances, even if each estimated taking occurred to a new individual—an extremely unlikely scenario. The estimated take of the two killer whale stocks assumes that all takes would be accrued by a single stock. This is highly unlikely for animals with extended habitat ranges throughout coastal Alaska down to California.

Based on the analysis contained herein of the activity (including the mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an "unmitigable adverse impact" on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined "unmitigable adverse impact" in 50 CFR 216.103 as an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Harbor seals and sea lions have traditionally been taken as part of subsistence harvests in Yakutat. Because of the high hunting pressure harbor seals may avoid areas like Monti Bay and Yakutat Roads where they are easily visible and readily accessible to hunters, although they are still expected to be common within the range of construction impacts. The small boat harbor is the primary access point for subsistence users to the traditional seal hunting grounds in Disenchantment Bay and some temporary disruptions to mooring availability during construction would occur, but replacement of the harbor to provide safe marine access into the future would be beneficial to subsistence users in the long term.

The planned project is not likely to adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes or impact subsistence harvest of marine mammals in the region. Some minor, short-term harassment of Steller sea lions and harbor seals could occur, potentially including displacement from Yakutat Bay and into the surrounding habitat. Displacement is expected to be short-term and temporary, and limited to the immediate project area. Therefore, any effects on subsistence harvest activities in the project areas are expected to be minimal and would not have an adverse impact on overall harvest.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the required mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from CBY's planned.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensures that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of incidental take authorizations, NMFS consults internally whenever we propose to authorize take for ESA-listed species, in this case with the Alaska Regional Office.

The NMFS Alaska Regional Office Protected Resources Division issued a Biological Opinion on December 19, 2025 under section 7 of the ESA, on the issuance of an IHA to CBY under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The Biological Opinion concluded that this action is not likely to jeopardize the continued existence of western DPS Steller sea lions (*Eumetopias jubatus*), Mexico DPS humpback whale (*Megaptera novaeangliae*), or Western North Pacific DPS humpback whale and is not likely to destroy or adversely modify western DPS Steller sea lion, Mexico DPS humpback whale or Western North Pacific DPS humpback whale critical habitats.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to CBY for the potential harassment of small numbers of 9 marine mammal species incidental to the Yakutat Small Boat Harbor Replacement Project in Yakutat, Alaska, that includes the previously explained mitigation, monitoring, and reporting requirements.

Dated: January 7, 2026.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2026–00284 Filed 1–8–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2025–OS–0903]

Science and Technology Reinvention Laboratory Personnel Demonstration Project Program

AGENCY: Under Secretary of Defense for Research and Engineering (USD(R&E)), Department of Defense (DoD).

ACTION: This notice provides new authorities to all Science and Technology Reinvention Laboratory (STRL) Personnel Demonstration (Demo) Projects.

SUMMARY: STRLs will implement Senior Business Technical Manager (SBTM) positions, which are defined as senior business and technical positions comparable to positions classified above the General Schedule (GS)–15 level. SBTMs are senior business and operations leaders within the STRL, serving as primary advisors to the STRL's Commanding Officers and/or members of the Senior Executive Service (SES). SBTMs oversee and operationalize the STRL's business operations, administration, and technology functions. SBTM positions may only be established at authorized STRLs with personnel demonstration projects.

DATES: This proposal may not be implemented until a 30-day comment period is provided, comments addressed, and a final **Federal Register** notice published. To be considered, written comments must be submitted on or before February 9, 2026.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Director of Administration and Management, Privacy, Civil Liberties, and Transparency Directorate, Regulatory Division, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT:

Department of Defense:

• Office of the Under Secretary of Defense for Research and Engineering, Science and Technology Foundations: Dr. Jagadeesh Pamulapati, 571–372–6372, *Jagadeesh.Pamulapati.civ@mail.mil.*

Defense Health Agency:

• Defense Health Agency Research and Development: Ms. Lyn Krout, 301–619–7276, *linda.j.krout.civ@health.mil.*

Department of the Air Force:

• Air Force Research Laboratory: Ms. Rosalyn Jones-Byrd, 937–656–9747, *Rosalyn.Jones-Byrd@us.af.mil.*

• Joint Warfare Analysis Center: Ms. Amy Balmaz, 540–653–8598, *Amy.T.Balmaz.civ@mail.mil.*

Department of the Army:

• Transformation and Training Command: Ms. Marlowe Richmond, 571–588–1219, *Marlowe.Richmond.civ@army.mil.*

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• Combat Capabilities Development Command Aviation and Missile Center: Mr. Justin Page, *justin.d.page4.civ@army.mil.*

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• Combat Capabilities Development Command—Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center: Mr. Gregory Peck, *gregory.a.peck16.civ@army.mil.*

• Combat Capabilities Development Command Ground Vehicle Systems Center: Ms. Erin Stein, *Erin.m.stein.civ@army.mil.*

• Combat Capabilities Development Command Soldier Center: Ms. Sarah Palmer, 508–206–3421, *Sarah.B.Palmer.civ@army.mil.*

• Communications—Electronics Command Software Engineering Center: Ms. Teresa Manganaro, 443–861–8149, *Teresa.A.Manganaro.civ@army.mil.*

• Engineer Research and Development Center: Dr. Lucy Priddy, 601–634–2282, *Lucy.P.Priddy@usace.army.mil.*

• Medical Research and Development Command: Ms. Linda Krout, 301–619–7276, *Linda.J.Krout.civ@health.mil.*

• Technical Center, Space and Missile Defense Command: Dr. Chad Marshall, 256–955–5697, *Chad.J.Marshall.civ@army.mil.*

Department of the Navy:

• Marine Corp Tactical Systems Support Activity: Ms. Lissa Henriksen, 760–587–6893, *Lissa.Lalonde@usmc.mil.*

• Naval Air Warfare Center, Weapons Division and Aircraft Division: Mr. Dustin Kirby, 760–608–9248, *Dustin.k.kirby.civ@us.navy.mil.*

• Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center: Ms. Kelly Mitchell, 564–226–0476, *Kelly.L.Mitchell16.civ@us.navy.mil.*

• Naval Information Warfare Centers:

○ Naval Information Warfare Center Atlantic: Ms. Alissa Lopez, 843–218–3871, *Alissa.m.lopez4.civ@us.navy.mil.*

○ Naval Information Warfare Center Pacific: Ms. Sharmeka Speights, 619–553–6282, *Sharmeka.m.speights.civ@us.navy.mil.*

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• Naval Research Laboratory: Ms. Jennifer Hartman, 771–216–7567, *jennifer.l.hartman4.civ@us.navy.mil.*

• Naval Sea Systems Command Warfare Centers: Ms. Emily Grauwiler, 301–312–1185, *emily.r.grauwiler.civ@us.navy.mil.*

• Office of Naval Research: Mr. Damien Raphael, 703–696–0383, *urlins.d.raphael.civ@us.navy.mil.*

Marine Corps:

• Marine Corp Tactical Systems Support Activity: Ms. Lissa Henriksen, 760–587–6893, *lissa.lalonde@usmc.mil.*

SUPPLEMENTARY INFORMATION:

1. Background

Through the USD(R&E), the Secretary of Defense exercises the authorities granted to the Office of Personnel Management under title 5 of United States Code (U.S.C.) section 4703 to conduct personnel demonstration projects at DoD laboratories designated as STRLs. All STRLs authorized pursuant to 10 U.S.C. 4121(a) and (b) may use the provisions described in this FRN. STRLs implementing these flexibilities must have an approved personnel demonstration project plan published in an FRN. Each STRL will establish internal operating procedures (IOPs) as appropriate.

The 24 current STRLs are:

- Defense Health Agency Research and Development
- Air Force Research Laboratory
- Joint Warfare Analysis Center
- Transformation and Training Command
- Army Research Institute for the Behavioral and Social Sciences
- Combat Capabilities Development Command Armaments Center
- Combat Capabilities Development Command Army Research Laboratory
- Combat Capabilities Development Command Aviation and Missile Center
- Combat Capabilities Development Command Chemical Biological Center
- Combat Capabilities Development Command—Command, Control, Communications, Computers, Cyber, Intelligence, Surveillance, and Reconnaissance Center
- Combat Capabilities Development Command Ground Vehicle Systems Center
- Combat Capabilities Development Command Soldier Center
- Communications—Electronics Command Software Engineering Center
- Engineer Research and Development Center
- Medical Research and Development Command
- Technical Center, U.S. Army Space and Missile Defense Command
- Marine Corp Tactical Systems Support Activity
- Naval Air Systems Command Warfare Centers
- Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center
- Naval Information Warfare Centers, Atlantic and Pacific
- Naval Medical Research Center
- Naval Research Laboratory
- Naval Sea Systems Command Warfare Centers
- Office of Naval Research

2. Overview

I. Introduction

A. Purpose

This FRN grants a new authority to establish SBTM positions, above the GS–15 level, for STRL senior business administration, operations, and technology functions that support and enable the laboratories' research and development missions. A strong business and operations support framework and staff are essential to ensuring the STRLs are prepared and able to advance military technology and capability in accordance with the National Defense Strategy.

The SBTM category encompasses positions that would exceed the GS–15 classification criteria of the General Schedule and contain characteristics of SES and Senior Leader (SL).

The SL classification designation would not be appropriate because SBTM positions may direct the work of an organizational unit; be held accountable for the success of one or more specific programs; monitor the progress toward organizational goals and objectives and periodically evaluate and make appropriate adjustments to such goals; supervise the work of employees other than personal assistants; or otherwise exercise important policy-development and implementation, or other executive level functions. SES classification designation would also not be appropriate because SBTMs do not exercise the full scope of managerial authority and impact required of SES positions. The SBTMs establish a separate pay band level or career track. This notice implements the SBTM authority.

B. Required Waivers to Law and Regulation

Waivers and adaptations of certain 5 U.S.C. and title 5, Code of Federal Regulations (CFR) provisions are required only to the extent that these statutory and regulatory provisions limit or are inconsistent with the actions authorized under this demonstration project.

Appendix A lists waivers needed to enact authorities described in this FRN. Nothing in this plan is intended to preclude the demonstration project from adopting or incorporating any law or regulation enacted, adopted, or amended after the effective date of this FRN.

C. Expected Benefits

The SBTM authority is expected to:

(1) Allow proper classification of positions that are engaged in operationalizing laboratory management functions, recognizing the exceptionally high level of expertise required to oversee enterprise-wide business and technical operations, such as financial management, information technology and information assurance, contract

management, facilities and infrastructure management, and human capital management.

(2) Attract, retain, and appropriately compensate highly qualified business and technology professionals with significant experience and expertise managing the supporting business elements of highly complex and technology-focused organizations.

(3) Provide the opportunity for career development and expand the pool of experienced, prominent business and technical candidates meeting the levels of proficiency and leadership essential for enabling the operation of world-class DoD laboratories.

II. Personnel System Changes

All current STRL demonstration project plans are hereby amended to add the following:

A. Description and Implementation of SBTM Positions

1. Authorized Positions

The number of authorized SBTM positions in each STRL shall not exceed one percent of the number of civilian and military positions employed at such laboratory, inclusive of positions both within and outside the STRL's personnel demonstration project, which are filled as of the close of the preceding fiscal year. If one percent of authorized positions does not equate to a whole number, the STRL shall round down to the next lower number; however, each STRL shall be authorized at least one SBTM position regardless of the number of positions employed at such laboratory. Though the authorized number of SBTM positions may increase or decrease as the overall civilian and military workforce increases or decreases, no SBTM employee will have their classification as a SBTM changed or their pay reduced, because the size of the STRL's civilian and military workforce has decreased. In such circumstances, an STRL may temporarily exceed its new SBTM authorized number until attrition occurs.

2. Position Classification

(a) Position Requirements

At a minimum, all SBTM positions require senior manager up to executive level knowledge, skills, and abilities in competencies related to STRL business and operations of highly complex technical organizations or business units. SBTMs have a crucial role in driving strategic direction, supporting research and development in defense planning, ensuring operational excellence, and fostering a culture of integrity and innovation to achieve sustainable success. Incumbents will typically possess extensive knowledge and experience in one or more business or technical requirements below or another area determined by the STRL director:

- Implementing and managing major policies and programs and advising senior officials on programs such as human capital, contracting, financial management, operations, facility management, or environmental policy and their impact on research programs.
- Managing defense acquisition policy and familiarity with policies concerning contracting for services.
- Managing information technology, including policy formulation and technical expertise across all aspects of information management at the STRL, with a special focus on creating visionary plans for future mission and business information systems.
- Managing defense cyber competencies that support science and technology initiatives to contribute to the development of cyber resilient transformation and readiness technologies.

Examples of other requirements may include strategic and operational leadership, configuration management, quality assurance, stakeholder engagement, laboratory governance, leadership development, strategic partnership, regulatory compliance, crisis management, and innovation and adaption.

SBTMs typically report to an SES or an SES equivalent-level position. Since all SBTM positions will typically be administrative supervisors, they may be eligible for a supervisory pay differential at the discretion of the STRL director.

(b) Pay Bands/Career Track

This FRN authorizes STRLs to either establish a separate or modify an existing pay band or career track level(s) to accommodate the SBTM category. Specific details regarding SBTM pay band or career track levels will be included in STRL IOPs.

3. Designated Classification Officials for SBTM Positions

STRL directors, or their designees, are designated as the classification officials for SBTM positions. Each STRL's IOP will provide specific details on each STRL's classification process, control, and management of these positions.

4. Staffing and Recruitment

(a) Positions may be filled on a temporary, flexible term, or permanent basis utilizing appropriate internal or external competitive recruitment procedures, direct hire authority, or through accretion-of-duties promotions. Positions may also be filled temporarily using noncompetitive procedures (*e.g.,* detail and temporary promotions).

(b) In addition to permanent appointments, the following appointment types may be used:

(1) Flexible-Length and Renewable Term Appointments

This appointment authority may be used to fill SBTM positions for a period of more than one year but not more than five years. The flexible term appointment may be made for a period up to five years, and the STRL director may extend the appointment in up to five-year increments. Prior to extending a term appointment, management will determine if the work or services continue to be temporary in nature, or if they should be made permanent. Candidates selected from outside the Federal government may be hired using the flexible term appointment authority and may be eligible for extension or conversion to career or career-conditional appointment if services are deemed permanent. To be converted, the employee must: (1) have been notified in writing at the time of the initial appointment of the possibility for conversion to a permanent SBTM position at a later date; (2) served a minimum of one year of continuous service; and (3) have at least a fully successful or equivalent SBTM performance rating applicable to the STRLs demonstration project. Additionally, to be eligible for conversion, when positions being filled using the flexible term appointment authority are announced, whether via competitive or merit promotion procedures, the vacancy announcement must contain a statement notifying applicants that the position may be eligible for extension or conversion to a permanent appointment. The probationary or trial period specified in each STRL's FRN in Appendix B will apply to individuals appointed under the Flexible Term Appointment. Personnel appointed under the Flexible-Length and Renewable Term authority described in this section shall be provided with benefits comparable to those provided to status or permanent employees at the STRL concerned, including professional development opportunities, eligibility for all awards programs, and designation as ''status applicants'' for the purposes of eligibility for positions in the Federal service.

(2) Flexible Temporary Promotions

STRLs may use flexible temporary promotions to SBTM positions for not more than five years, with the ability to extend in five-year increments for candidates who are current Federal employees. Prior to extending a temporary promotion, management will determine if the work or services continue to be temporary in nature or should be made permanent. If not extended or made permanent, the employee will return to a position for which they are qualified that is the same grade as previously held before the assignment. Upon termination of temporary promotion, pay will be set in accordance with the STRLs' IOPs. Candidates may be eligible for conversion to a permanent SBTM position if the position requirements are deemed permanent by the STRL director. To be converted, the employee must: (1) have been notified in writing at the time of the initial action of the possibility for conversion to permanent SBTM position at a later date; (2) served a minimum of one year of continuous service in the temporary assignment; and (3) have at least a fully successful or equivalent SBTM performance rating applicable to the STRLs demonstration project.

(c) STRL directors have the discretion to select the recruitment and staffing method most appropriate based on the specialized position requirements and available candidate pool. Each STRL will further describe recruitment and staffing methodologies in their respective IOPs.

STRLs must establish recruitment and staffing methodologies that include:

(1) An internal process that incorporates an impartial, rigorous, and demanding assessment of candidates to evaluate the breadth of their expertise;

(2) an external recruitment process which incorporates an impartial, rigorous, and demanding assessment of candidates to evaluate the breadth of their expertise; or

(3) creation of panels to assist in filling positions or other comparable recruitment or staffing mechanisms.

5. Basic Pay Range

The minimum basic pay for SBTM positions is 115 percent of the minimum rate of basic pay for GS–15. Maximum SBTM basic pay with locality pay is limited to Executive Level III (EX–III), and maximum salary without locality pay may not exceed EX–IV.

6. Performance Management

Each STRL will determine the appropriate performance or contribution management system, non-SES/SL/ST or SES/SL/ST program, to be used to evaluate an SBTM employee's performance or contribution. The selected method will be documented in each STRL's IOPs.

7. Pay Retention

Pay retention may be provided to SBTM members under criteria established by each STRL if they are impacted by a reduction in force, work realignment, or other planned management action that would necessitate moving the incumbent to a position in a lower pay band within the STRL. Pay retention may also be provided under criteria established by each STRL when an SES/ST/SL employee is placed in a SBTM position as a result of a reduction in force or other management action. Grade retention is not authorized for SBTM positions.

8. SBTM Supervisory Pay Differential

A supervisory pay differential may be used by STRL directors to provide an incentive to appropriately compensate SBTM personnel. This pay differential is a pay incentive that may range up to 5 percent of basic pay (excludes locality pay) for SBTM personnel. It is paid on a pay period basis and must be reviewed annually. This pay differential is not included as part of basic pay for any purpose. Criteria to be considered in determining the amount of the pay differential are:

(a) needs of the organization;

(b) budgetary constraints;

(c) years and quality of related experience;

(d) relevant training;

(e) performance appraisals;

(f) experience as a supervisor or manager;

(g) organizational level of the position; and

(h) impact on the organization.

The pay differential may be terminated or reduced at the discretion of the STRL director based on legitimate business reasons; however, the pay differential must be terminated if the employee is removed from a position for which a pay differential is approved, regardless of cause. Each STRL will document in their IOPs the method used for determining payment, reduction, or discontinuation of the pay differential. All personnel actions involving a supervisory pay differential will require a statement signed by the employee acknowledging that the pay differential may be terminated or reduced at the discretion of the STRL director or his or her designee. The termination or reduction of the pay differential is not an adverse action and is not subject to appeal. The total pay (including locality pay) may not exceed the midpoint between the maximum rate of basic pay of EX–III and the maximum rate of basic pay of EX–II, (*e.g.,* $213,000; (calculation is rounded up to the next thousand) for calendar year 2024). SBTM employees are subject to the aggregate limitation on pay pursuant to 5 U.S.C. 5307 and 5 CFR subpart 530.203.

9. SBTM Program Oversight

The program shall be managed and administered by the STRL director or their designee in compliance with the provisions of this FRN and IOPs developed by each STRL.

10. Evaluation

Procedures for evaluating this authority will be incorporated into the STRL personnel demonstration project evaluation process conducted by the STRLs in conjunction with the USD(R&E) Defense Research Enterprise Office.

Appendix A: Required Waivers to Laws and Regulations

Title 5, United States Code	Title 5, Code of Federal Regulations
5 U.S.C. 3104—Employment of Specially Qualified Scientific and Professional Personnel. Waive to allow scientific or professional positions for this authority. 5 U.S.C. 3324—Appointments to Positions Classified Above GS–15; Waived in entirety. 5 U.S.C. 3304 & 3304a—Waived to the extent necessary to allow flexible term appointments as described in this **Federal Register** Notice. 5 U.S.C. 5301—Policy; 5 U.S.C. 5302(8) and (9)—Definitions; 5 U.S.C. 5303—Annual Adjustments to Pay Schedules; 5 U.S.C. 5304—Locality-based Comparability Payments; and 5 U.S.C. 5306—Pay Fixed by Administrative Action. Waived to the extent necessary to allow SBTM employees to be treated as GS employees and basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay and to permit SBTM pay not to exceed EX–IV and locality adjusted SBTM rates not to exceed EX—III. 5 U.S.C. 5363—Waived to the extent necessary to allow SBTMs to receive pay retention as described in this **Federal Register** Notice. 5 U.S.C. 5755—Waived to the extent necessary to allow SBTMs to receive supervisory pay differentials as described in this **Federal Register** Notice.	5 CFR part 316—Waived to the extent necessary to allow flexible term appointments as described in this **Federal Register** Notice. 5 CFR part 330, section 330.707(h): Exceptions to Interagency Career Transition Assistance Plan (ICTAP) selection priority.—Waived to the extent necessary to allow conversion to permanent positions without clearing ICTAP. 5 CFR 335.102(f) Agency authority to promote, demote, or reassign—Waived to the extent necessary to allow temporary promotions as described in this **Federal Register** Notice. 5 CFR 359.705—Waived to allow demonstration project rules governing pay retention to apply to a former SES placed on an SBTM position. 5 CFR part 531, subpart F Locality-based Comparability Payments.—Waived to the extent necessary to allow SBTM employees to be treated as GS employees and basic rates of pay under the SBTM to be treated as scheduled annual rates of pay. 5 CFR 536.306(a)—Waived to the extent necessary to allow SBTMs to receive pay retention as described in this **Federal Register** Notice. 5 CFR part 575, subpart D—Waived to the extent necessary to allow SBTMs to receive supervisory pay differentials as described in this **Federal Register** Notice.

Appendix B: Authorized STRLs and Federal Register Notices

STRL	**Federal Register** notice
Air Force Research Laboratory	61 FR 60400 amended by 75 FR 53076.
Joint Warfare Analysis Center	85 FR 29414.
Transformation and Training Command	89 FR 13548.
Army Research Institute for Behavioral and Social Sciences	85 FR 76038.
Combat Capabilities Development Command Armaments Center	76 FR 3744.
Combat Capabilities Development Command Army Research Laboratory.	63 FR 10680.
Combat Capabilities Development Command Aviation and Missile Center.	62 FR 34906 and 62 FR 34876 amended by 65 FR 53142 (Aviation Research, Development, and Engineering Center and Aviation and Missile Research, Development and Engineering Center merged).
Combat Capabilities Development Command Chemical Biological Center.	74 FR 68936.
Combat Capabilities Development Command—Command, Control, Communications, Cyber, Intelligence, Surveillance, and Reconnaissance Center.	66 FR 54872.
Combat Capabilities Development Command Ground Vehicle Systems Center.	76 FR 12508.
Combat Capabilities Development Command Soldier Center	74 FR 68448.
Engineer Research and Development Center	63 FR 14580 amended by 65 FR 32135.
Medical Research and Development Command	63 FR 10440.
Technical Center, US Army Space and Missile Defense Command	85 FR 3339.
Naval Air Systems Command Warfare Centers	76 FR 8530.
Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center.	86 FR 14084.
Naval Information Warfare Centers, Atlantic and Pacific	76 FR 1924.
Naval Research Laboratory	64 FR 33970.
Naval Sea Systems Command Warfare Centers	62 FR 64050.
Office of Naval Research	75 FR 77380.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2026–00277 Filed 1–8–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0481]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual State Application Under Part B of the Individuals With Disabilities Act as Amended in 2004

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before February 9, 2026.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link *www.reginfo.gov/public/do/PRAMain* to access the site. Find this information collection request (ICR) by selecting ''Department of Education'' under ''Currently Under Review,'' then check the ''Only Show ICR for Public Comment'' checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the ''View Information Collection (IC) List'' link. Supporting statements and other supporting documentation may be found by clicking on the ''View Supporting Statement and Other Documents'' link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Jennifer Simpson, 202–245–6348.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Annual State Application Under Part B of the Individuals with Disabilities Act as Amended in 2004.

OMB Control Number: 1820–0030.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 60.

Total Estimated Number of Annual Burden Hours: 840.

Abstract: The Individuals with Disabilities Education Act (IDEA), signed on December 3, 2004, became Public Law 108–446. In accordance with 20 U.S.C. 1412(a), a State is eligible for assistance under Part B for a fiscal year if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meets each of the conditions found in 20 U.S.C. 1412. Information Collection 1820–0030 is being revised to remove the Significant Disproportionality data collection under IDEA section 618(d) and 34 CFR 300.646 and 300.647 from Section V of the Annual State Application under Part B of the IDEA. The Department believes that removal of the data collection related to Significant Disproportionality will reduce the burden on respondents when completing the Annual State Application under Part B of IDEA.

The remaining sections of the Annual State Application under Part B of IDEA are being extended so that States can provide assurances that they either have or do not have in effect policies and procedures to meet the eligibility requirements of Part B of the Act as found in Public Law 108–446. Information Collection 1820–0030 corresponds with 34 CFR 300.100–176; 300.199; 300.640–645; and 300.705. These sections include the requirement that the Secretary and local educational agencies located in the State be notified of any State-imposed rule, regulation, or policy that is not required by this title and Federal regulations.

Brian Fu,

Program and Management Analyst, Office of the Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2026–00286 Filed 1–8–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an in-person/virtual meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, February 11, 2026; 6–8 p.m. EST.

ADDRESSES: The Department of Energy (DOE) Information Center, Office of Science and Technical Information, 1 *Science.gov* Way, Oak Ridge, Tennessee 37831. This meeting will be held in-person at the DOE Information Center and virtually. To receive the virtual access information, please send an email to: *orssab@orem.doe.gov* at least two days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 4067, EM–94, Oak Ridge, TN 37831; Phone (865) 241–3315; or Email: *Melyssa.Noe@orem.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and recommendations concerning the following EM site-specific issues: clean-up activities and environmental restoration; waste and nuclear materials management and disposition; excess facilities; future land use and long-term stewardship. The Board may also be asked to provide advice and recommendations on other EM program components. The Board also provides an avenue to fulfill public participation requirements outlined in the National Environmental Policy Act (NEPA), the Comprehensive Environmental Response, Compensation, and Liability Act (CERLA), the Resource Conservation and Recovery Act (RCRA), Federal Facility Agreements, Consent Orders, Consent Decrees and Settlement Agreements.

Tentative Agenda: (agenda topics are subject to change; please email *orssab@orem.doe.gov* for the most current agenda).

- OREM Presentation to the Board
- Discussion
- Public Comment Period
- Board Business

Public Participation: The meeting is open to the public and public comment can be given orally or in writing. Fifteen minutes are allocated during the meeting for public comment and those wishing to make oral comment will be given a minimum of two minutes to speak. Written comments received at least two working days prior to the meeting will be provided to the members and included in the meeting minutes. Written comments received within two working days after the meeting will be included in the minutes. For additional information on public comment and to submit written comment, please email *orssab@orem.doe.gov.* The EM SSAB, Oak Ridge, welcomes the attendance of the public at its meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting.

Meeting Conduct: The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Questioning of board members or presenters by the public is not permitted.

Minutes: Minutes will be available at the following website: *https://www.energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Signing Authority: This document of the Department of Energy was signed January 6, 2026, by David Borak, Committee Management Officer, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 7, 2026.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2026–00242 Filed 1–8–26; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2082–074]

PacifiCorp; Notice of Application for Non-Capacity Amendment of License Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-capacity amendment of license.

b. *Project No:* P–2082–074.

c. *Date Filed:* August 22, 2025.

d. *Applicant:* PacifiCorp.

e. *Name of Project:* Klamath Hydroelectric Project.

f. *Location:* The project is located on the Klamath River and Fall Creek in Klamath County, Oregon and Siskiyou County, California. The project occupies federal lands managed by the Bureau of Reclamation.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Steve Albertelli, License Program Manager, 925 South Grape Street, Building 5, *steve.albertelli@pacificorp,* 541–776–6676.

i. *FERC Contact:* Diana Shannon, (202) 502–6136, *diana.shannon@ferc.gov.*

j. *Cooperating Agencies:* With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *Deadline for filing comments, motions to intervene, and protests:* February 5, 2026, 5:00 p.m. Eastern Time.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number—P–2082–074. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Request:* The applicant proposes to decommission and administratively remove the Fall Creek Development from the project license to facilitate conveyance of the decommissioned infrastructure and lands to the City of Yreka, California (City). The applicant proposes to cease power generation, disconnect the generating units from the power grid, drain the units of any fluids, and convey the decommissioned infrastructure and associated lands to the City for its own water supply purposes. No construction, development, or ground-disturbing activities are proposed. Leaving the infrastructure in place would maintain the infrastructure necessary for the City's water supply operations, as well as the California Department of Fish and Wildlife's (California DFW) hatchery operations at the Fall Creek Hatchery. Both the City and the California DFW have water supply facilities within the tailrace channel for these purposes. Documentation of support from both the City and California DFW was included with the application.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00264 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9985–039]

Rivers Electric, LLC; Notice of Revised Procedural Schedule

Take notice that the schedule for processing the Mill Pond Hydroelectric Project No. 9985 final license application has been updated. Subsequent revisions to the schedule may be made as appropriate.

Milestone	Target date
Issue Acceptance Letter	April 2026.
Issue Scoping Notice for comments.	May 2026.
Issue Notice of Ready for Environmental Analysis.	July 2026.

(Authority: 18 CFR 2.1)

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00265 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. UL26–1–000]

Farmington River Power Company; Notice of Pending Jurisdictional Inquiry and Soliciting Comments, Protests, and Motions To Intervene

On November 3, 2025, the Federal Energy Regulatory Commission (Commission) received a request from Save the Sound for an updated jurisdictional determination for the unlicensed Rainbow Dam Hydroelectric Project. The project is located on the Farmington River, a tributary of the Connecticut River, in Hartford County, Connecticut.

Pursuant to section 23(b)(1) of the Federal Power Act (FPA),[1] a non-federal hydroelectric project must be licensed if it: (a) is located on a navigable water of the United States; (b) occupies lands or reservations of the United States; (c) utilizes surplus water or waterpower from a government dam; [2] or (d) is located on a stream over which Congress has Commerce Clause jurisdiction, is constructed or modified on or after August 26, 1935, and affects the interests of interstate or foreign commerce.

A stream is navigable under section 3(8) of the FPA [3] if: (1) it is currently being used or is suitable for use, or (2) it has been used or was suitable for use in the past, or (3) it could be made suitable for use in the future by reasonable improvements to transport persons or property in interstate or foreign commerce.[4] Navigability under section 3(8) of the FPA is not destroyed by obstructions or disuse of many years; personal or private use may be sufficient to demonstrate the availability of the river for commercial navigation; and the seasonal floatation of logs is sufficient to determine that a river is navigable.

Regarding condition (d) above, for purposes of FPA section 23(b)(1), headwaters and tributaries of navigable waters are Commerce Clause streams; [5] ''post-1935'' construction or modification at an existing project includes enlarging a project, such as increasing size of the reservoir, height of the dam, or generating capacity; [6] and projects that generate energy for transmission on the interstate grid affect interstate commerce.[7]

Commission staff previously investigated the Commission's jurisdiction over the Rainbow Dam Project in the 1970s and determined that licensing was not required, noting that there was insufficient evidence that the Farmington River was navigable at the project.[8] Save the Sound requests that the Commission reexamine the navigability of the Farmington River at

[1] 16 U.S.C. 817(1).

[2] A project that meets condition (a), (b), or (c) is not required to be licensed if it holds a still valid pre-1920 federal permit.

[3] 16 U.S.C. 796(8).

[4] *See Rochester Gas & Elec. Corp.,* 344 F.2d 594, 596 (2d Cir. 1965).

[5] *FPC* v. *Union Electric Co.,* 381 U.S. 90, 94–96 (1965).

[6] *See, e.g., L.S. Starrett Co.* v. *FERC,* 650 F.3d 19, 26–27 (1st Cir. 2011); *Cent. Vt. Pub. Serv. Corp.,* 54 FERC ¶ 61,132, at 61,434 (1991) (citing *Puget Sound Power & Light Co.* v. *FPC,* 557 F.2d 1311 (9th Cir. 1977); *Aquenergy Systems, Inc.,* 29 FERC ¶ 61,026 (1984)).

[7] *See FPC* v. *Union Elec. Co.,* 381 U.S. at 94–95. Moreover, it is well settled that small hydroelectric projects that are connected to the interstate grid, even if they have no interstate sales, affect interstate commerce by displacing power from the grid, and the cumulative effect of the national class of these small projects is significant for purposes of FPA section 23(b)(1). *See Habersham Mills* v. *FERC,* 976 F.2d 1381, 1384–85 (11th Cir. 1992).

[8] *See Farmington River Power Co.,* 49 F.P.C. 389 (1973); *but see Farmington River Power Co.,* 44 F.P.C. 1393 (1970) (finding licensing required based on the retroactive application of the 1935 amendments to section 23(b) of the FPA requiring licensing for projects located on non-navigable streams that affect interstate commerce), *vacated by Farmington River Power Co.* v. *FPC,* 455 F.2d 86 (2d. Cir. 1972) (holding that the 1935 amendment to section 23(b) had no retroactive effect and vacating Commission's 1970 order finding licensing required).

the site of the Rainbow Dam Project, specifically considering the river's historic and current use or suitability for commercial use.[9] A stream's suitability for commercial use can be demonstrated based on its physical characteristics, as well as its actual use or suitability for use for recreational boating, if this information shows the river is suitable for the simpler types of commercial navigation.[10] Additionally, Save the Sound requests that the Commission reexamine its jurisdiction on the grounds that the Rainbow Dam Project is located on a stream over which Congress has Commerce Clause jurisdiction, was modified to increase its water storage capacity on or after August 26, 1935, and affects the interests of interstate or foreign commerce.[11]

In response to Save the Sound's request, Commission staff is investigating the jurisdictional status of the Rainbow Dam Hydroelectric Project (UL26–1–000). A copy of Save the Sound's request may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number, UL26–1–000. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659.

The Commission is soliciting comments, motions to intervene, and protests in this proceeding. Comments, motions to intervene, and protests must be filed by 45 days from notice or February 20, 2026, by 5:00 p.m. Eastern Time. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, 211, and 214. In determining the appropriate action to take, the Commission will consider all protests or comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceedings. Any comments, protests, or motions to intervene must be received on or before the specified comment date.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include Docket Number UL26–1–000.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

For further information, please contact Kelly Fitzpatrick at (202) 502–8435 or *kelly.fitzpatrick@ferc.gov.*

(Authority: 18 CFR 2.1)

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00266 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

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[9] In 1996, Commission staff determined that the Farmington River is a navigable waterway of the United States "from north of the Colebrook Reservoir . . . into the Connecticut River." *The Collinsville Co.,* 76 FERC ¶ 62,117 (1996). The Colebrook Reservoir is located on the West Branch of the Farmington River, approximately 73 river miles above the Rainbow Dam Project.

[10] *See FPL Energy Me. Hydro LLC* v. *FERC,* 287 F.3d 1151, 1158 (D.C. Cir. 2002) (affirming navigability finding based on stream characteristics and test trips by canoe).

[11] Save the Sound November 3, 2025 Request for Updated Determination of Jurisdiction for the Rainbow Project at 7–9.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–2029–011.
Applicants: Cedar Creek II, LLC.
Description: Triennial Market Power Analysis for Northwest Region of Cedar Creek II, LLC.
Filed Date: 12/31/25.
Accession Number: 20251231–5492.
Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER16–1720–032.
Applicants: Invenergy Energy Management LLC.
Description: Triennial Market Power Analysis for Northwest Region of Invenergy Energy Management LLC.
Filed Date: 12/31/25.
Accession Number: 20251231–5489.
Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER17–1329–007.
Applicants: J.P. Morgan Ventures Energy Corporation.
Description: Triennial Market Power Analysis for Northwest Region of J.P. Morgan Ventures Energy Corporation.
Filed Date: 12/31/25.
Accession Number: 20251231–5491.
Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER19–1634–007; ER10–2196–012; ER13–1141–010; ER13–1142–010; ER13–1143–013; ER13–1144–013; ER17–1849–011; ER19–1009–006; ER19–1633–007; ER19–1638–007; ER20–844–008; ER20–2452–014; ER20–2453–015.
Applicants: Hamilton Patriot LLC, Hamilton Liberty LLC, Hamilton Projects Acquiror, LLC, Tiverton Power LLC, Rumford Power LLC, Revere Power, LLC, Nautilus Power, LLC, Essential Power Rock Springs, LLC, Essential Power OPP, LLC, Essential Power Newington, LLC, Essential Power Massachusetts, LLC, Lakewood Cogeneration L.P., Bridgeport Energy LLC.
Description: Triennial Market Power Analysis for Northeast Region of Bridgeport Energy LLC, et al.
Filed Date: 12/29/25.
Accession Number: 20251229–5584.
Comment Date: 5 p.m. ET 2/27/26.

Docket Numbers: ER24–3130–001.
Applicants: Apex Solar, LLC.
Description: Notice of Non-Material Change in Status and Request for Confidential Treatment of Apex Solar, LLC.
Filed Date: 12/31/25.
Accession Number: 20251231–5487.
Comment Date: 5 p.m. ET 1/21/26.

Docket Numbers: ER25–1654–002.
Applicants: SF Azalea, LLC.
Description: Notice of Non-Material Change in Status of SF Azalea, LLC.
Filed Date: 1/2/26.
Accession Number: 20260102–5312.
Comment Date: 5 p.m. ET 1/23/26.

Docket Numbers: ER25–2291–002; ER10–1852–122; ER10–1857–026; ER10–1899–027; ER10–1932–026; ER10–1935–027; ER10–1951–094; ER10–1973–026; ER10–1974–037; ER11–4462–117; ER13–752–026; ER14–1630–023; ER15–2601–019; ER16–1509–007; ER17–838–091; ER17–1774–017;

ER18–1534–019; ER18–1535–018; ER18–1863–020; ER20–2012–014; ER20–2153–014; ER21–183–012; ER21–744–011; ER21–1879–011; ER21–2641–011; ER22–1454–005; ER11–3941–022; ER22–2706–010; ER23–2915–007; ER24–26–007; ER24–1816–006; ER25–2292–002; ER25–3122–002; ER25–3123–002.

Applicants: Trelina Solar Energy Center, LLC, Garnet Energy Center, LLC, Excelsior Energy Center, LLC, High River Energy Center, LLC, East Point Energy Center, LLC, Chesapeake Solar Project, LLC, Eight Point Wind, LLC, Granite Reliable Power, LLC, LI Solar Generation, LLC, Quinebaug Solar, LLC, Farmington Solar, LLC, Wallingford Renewable Energy LLC, Nutmeg Solar, LLC, Sanford Airport Solar, LLC, Orbit Bloom Energy, LLC, Coolidge Solar I, LLC, Montauk Energy Storage Center, LLC, East Hampton Energy Storage Center, LLC, NextEra Energy Bluff Point, LLC, NextEra Energy Marketing, LLC, New Wave Energy LLC, Green Mountain Storage, LLC, Mantua Creek Solar, LLC, Energy Storage Holdings, LLC,NEPM II, LLC, Northeast Energy Associates, A Limited Partnership, NextEra Energy Seabrook, LLC, NextEra Energy Services Massachusetts, LLC, FPL Energy Wyman IV, LLC, FPL Energy Wyman, LLC, FPL Energy Illinois Wind, LLC, FPL Energy Cape, LLC, Florida Power & Light Company, Cherrywood Solar I, LLC.

Description: Triennial Market Power Analysis for Northeast Region of Cherrywood Solar I, LLC, et al.

Filed Date: 12/29/25.

Accession Number: 20251229–5585.

Comment Date: 5 p.m. ET 2/27/26.

Docket Numbers: ER25–3206–001; ER25–3210–001.

Applicants: Crooked Creek PV I, LLC, Cherry Valley PV I, LLC.

Description: Notice of Non-Material Change in Status of Cherry Valley PV I, LLC, et al.

Filed Date: 1/2/26.

Accession Number: 20260102–5314.

Comment Date: 5 p.m. ET 1/23/26.

Docket Numbers: ER25–3207–001.

Applicants: Cooks Mill PV I, LLC.

Description: Notice of Non-Material Change in Status of Cooks Mill PV I, LLC.

Filed Date: 1/2/26.

Accession Number: 20260102–5316.

Comment Date: 5 p.m. ET 1/23/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00261 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #3

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL26–38–000.

Applicants: Southern Indiana Gas and Electric Company v. Midcontinent Independent System Operator, Inc.

Description: Complaint of Southern Indiana Gas and Electric Company v. Midcontinent Independent System Operator, Inc.

Filed Date: 1/5/26.

Accession Number: 20260105–5189.

Comment Date: 5 p.m. ET 1/26/26.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–47–019; ER12–1540–017; ER12–1541–017; ER12–1542–017; ER12–1544–017; ER14–594–026; ER14–867–012; ER14–868–013; ER16–323–015; ER17–1930–015; ER17–1931–015; ER17–1932–015; ER19–606–009; ER20–649–012; ER22–2474–005.

Applicants: Top Hat Wind Energy LLC, AEP Energy Partners, Inc., AEP Generation Resources Inc., Southwestern Electric Power Company, AEP Texas Inc., Public Service Company of Oklahoma, Ohio Valley Electric Corporation, AEP Retail Energy Partners, AEP Energy, Inc., Ohio Power Company, Wheeling Power Company, Kingsport Power Company, Kentucky Power Company, Indiana Michigan Power Company, Appalachian Power Company.

Description: Triennial Market Power Analysis for Northeast Region of Appalachian Power Company, et al.

Filed Date: 12/29/25.

Accession Number: 20251229–5586.

Comment Date: 5 p.m. ET 2/27/26.

Docket Numbers: ER24–1151–001.

Applicants: Aquamarine Lessee, LLC.

Description: Tariff Amendment: Aquamarine Lessee Response to Deficiency Letter to be effective 4/1/2024.

Filed Date: 1/6/26.

Accession Number: 20260106–5000.

Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER24–1152–001.

Applicants: Aquamarine Westside, LLC.

Description: Tariff Amendment: Aquamarine Westside Response to Deficiency Letter to be effective 4/1/2024.

Filed Date: 1/6/26.

Accession Number: 20260106–5001.

Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–209–001.

Applicants: Wattmore Lincoln Energy Storage, LLC.

Description: Tariff Amendment: Amendment to 1 to be effective 1/7/2026.

Filed Date: 1/6/26.

Accession Number: 20260106–5080.

Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–475–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2026–01–06_SA 4589 NSP–NSP Substitute GIA (R1050) to be effective 10/31/2025.

Filed Date: 1/6/26.

Accession Number: 20260106–5148.

Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–948–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: AEPCO Transmission Service Agreement 40 MW to be effective 1/6/2026.

Filed Date: 1/5/26.

Accession Number: 20260105–5156.

Comment Date: 5 p.m. ET 1/26/26.

Docket Numbers: ER26–949–000.

Applicants: Public Service Company of New Mexico.

Description: § 205(d) Rate Filing: Certificate of Concurrence—RS No. 202 to be effective 12/9/2025.

Filed Date: 1/6/26.
Accession Number: 20260106–5002.
Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–950–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original Necessary Studies Agreement, SA No. 7807; Queue No. AE2–322 to be effective 3/8/2026.
Filed Date: 1/6/26.
Accession Number: 20260106–5030.
Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–951–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2026–01–06 SA 4279 Ameren IL-Albion PV1 1st Rev GIA (J1422) to be effective 12/29/2025.
Filed Date: 1/6/26.
Accession Number: 20260106–5083.
Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–952–000.
Applicants: MidAmerican Energy Company, Western Area Power Administration.
Description: § 205(d) Rate Filing: MidAmerican Energy Company submits tariff filing per 35.13(a)(2)(iii: Amended Contract for Interconnection (SA No. 210) to be effective 12/1/2025.
Filed Date: 1/6/26.
Accession Number: 20260106–5108.
Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–953–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO-National Grid Joint 205: SGIA ELP Granby Solar II Project SA2934 to be effective 12/29/2025.
Filed Date: 1/6/26.
Accession Number: 20260106–5117.
Comment Date: 5 p.m. ET 1/27/26.

Docket Numbers: ER26–954–000.
Applicants: IP Easley, LLC.
Description: Initial Rate Filing: Shared Facilities and Co-Tenancy Agreements to be effective 1/7/2026.
Filed Date: 1/6/26.
Accession Number: 20260106–5135.
Comment Date: 5 p.m. ET 1/27/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00262 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP26–352–000.
Applicants: NEXUS Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rates—CNX 860004 eff 1–1–2026 to be effective 1/1/2026.
Filed Date: 1/5/26.
Accession Number: 20260105–5099.
Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: RP26–353–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20260105 Negotiated Rate to be effective 1/6/2026.
Filed Date: 1/5/26.
Accession Number: 20260105–5150.
Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: RP26–354–000.
Applicants: Gulf Run Transmission, LLC.
Description: § 4(d) Rate Filing: Updating Tariff for Multi-Party Contracts to be effective 2/6/2026.
Filed Date: 1/6/26.
Accession Number: 20260106–5025.
Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: RP26–355–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 1.6.26 Negotiated Rates—Castleton Commodities Merchant Trading L.P. H–4010–89 to be effective 1/9/2026.
Filed Date: 1/6/26.
Accession Number: 20260106–5031.
Comment Date: 5 p.m. ET 1/20/26.

Docket Numbers: RP26–356–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 1.6.26 Negotiated Rates—Twin Eagle Resource Management, LLC H–7300–89 to be effective 1/9/2026.
Filed Date: 1/6/26.
Accession Number: 20260106–5033.
Comment Date: 5 p.m. ET 1/20/26.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00263 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1801–009; ER10–1805–010; ER10–2370–008.
Applicants: NSTAR Electric Company, Public Service Company of

New Hampshire, The Connecticut Light and Power Company.

Description: Triennial Market Power Analysis for Northeast Region of The Connecticut Light and Power Company, et al.

Filed Date: 12/30/25.

Accession Number: 20251230–5489.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2124–028.

Applicants: Spring Canyon Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Spring Canyon Energy LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5474.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2125–029.

Applicants: Judith Gap Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Judith Gap Energy LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5482.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2129–018.

Applicants: Grays Harbor Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Grays Harbor Energy LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5478.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2132–028.

Applicants: Willow Creek Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Willow Creek Energy LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5480.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2135–018.

Applicants: Spindle Hill Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Spindle Hill Energy LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5476.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2607–008; ER10–2626–007.

Applicants: TEC Trading, Inc., Old Dominion Electric Cooperative.

Description: Triennial Market Power Analysis for Northeast Region of Old Dominion Electric Cooperative, et al.

Filed Date: 12/30/25.

Accession Number: 20251230–5492.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER10–2764–028.

Applicants: Vantage Wind Energy LLC.

Description: Triennial Market Power Analysis for Northwest Region of Vantage Wind Energy LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5466.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER11–2447–006.

Applicants: Pacific Northwest Generating Cooperative, Inc.

Description: Triennial Market Power Analysis for Northwest Region of Pacific Northwest Generating Cooperative, Inc.

Filed Date: 12/31/25.

Accession Number: 20251231–5468.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER16–1833–015.

Applicants: Sempra Gas & Power Marketing, LLC.

Description: Triennial Market Power Analysis for Northwest Region of Sempra Gas & Power Marketing, LLC.

Filed Date: 12/31/25.

Accession Number: 20251231–5486.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER16–2449–006; ER21–628–006.

Applicants: Harry Allen Solar Energy LLC, Boulder Solar II, LLC.

Description: Triennial Market Power Analysis for Northwest Region of Boulder Solar II, LLC, et al.

Filed Date: 12/31/25.

Accession Number: 20251231–5484.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER19–842–006; ER24–134–005.

Applicants: Three Rivers District Energy, LLC, Energy Center Paxton LLC.

Description: Triennial Market Power Analysis for Northeast Region of Energy Center Paxton LLC, et al.

Filed Date: 12/31/25.

Accession Number: 20251231–5470.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER19–1889–004; ER10–2806–017; ER10–2818–017; ER18–1984–010.

Applicants: Big Level Wind LLC, TransAlta Energy Marketing Corporation, TransAlta Energy Marketing (U.S.) Inc., Antrim Wind Energy LLC.

Description: Triennial Market Power Analysis for Northeast Region of Antrim Wind Energy LLC, et al.

Filed Date: 12/30/25.

Accession Number: 20251230–5490.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER19–2621–004; ER19–665–004; ER19–666–004; ER19–667–005; ER19–669–005.

Applicants: Northfield Mountain LLC, FirstLight MA Hydro LLC, FirstLight CT Hydro LLC, FirstLight CT Housatonic LLC, FirstLight Power Management LLC.

Description: Triennial Market Power Analysis for Northeast Region of FirstLight Power Management LLC, et al.

Filed Date: 12/30/25.

Accession Number: 20251230–5488.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER21–2289–004; ER15–2679–017; ER16–1609–011; ER16–2541–014; ER19–2395–004; ER20–902–013; ER20–1620–013; ER22–414–014; ER23–495–014.

Applicants: AES CE Solutions, LLC, AES Marketing and Trading, LLC, AES Solutions Management, LLC, sPower Energy Marketing, LLC, AES Integrated Energy, LLC, Pioneer Wind Park I, LLC, ID SOLAR 1, LLC, Latigo Wind Park, LLC, Clover Creek Solar, LLC.

Description: Triennial Market Power Analysis for Northwest Region of Clover Creek Solar, LLC, et al.

Filed Date: 12/30/25.

Accession Number: 20251230–5487.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER21–2712–005; ER10–2806–018; ER10–2818–018; ER10–2847–011; ER14–963–009.

Applicants: TransAlta Wyoming Wind LLC, TransAlta Centralia Generation LLC, TransAlta Energy Marketing Corporation, TransAlta Energy Marketing (U.S.) Inc., Heartland Generation Ltd.

Description: Triennial Market Power Analysis for Northwest Region of Heartland Generation Ltd., et al.

Filed Date: 12/30/25.

Accession Number: 20251230–5491.

Comment Date: 5 p.m. ET 3/2/26.

Docket Numbers: ER23–2842–003.

Applicants: Sunnyside Cogeneration Associates.

Description: Triennial Market Power Analysis for Northwest Region of Sunnyside Cogeneration Associates under ER23–2842.

Filed Date: 12/31/25.

Accession Number: 20251231–5473.

Comment Date: 5 p.m. ET 3/2/26.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, contact the Office of Public Participation at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 6, 2026.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2026–00260 Filed 1–8–26; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2025–7003; FRL–13062–01–R4]

Ward Transformer Superfund Site, Raleigh, North Carolina; Proposed Settlement

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of proposed settlement.

SUMMARY: Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) is proposing to enter into an Administrative Settlement Agreement with the Raleigh Durham Airport Authority concerning the Ward Transformer Superfund Site located in Raleigh, North Carolina. The proposed settlement agreement addresses certain work to be performed at the Site under EPA oversight and reimbursement of costs associated with such oversight, by the Raleigh Durham Airport Authority, as a Bona Fine Prospective Purchaser and Local Government entity.

DATES: The Agency will consider public comments on the proposed settlement until February 9, 2026. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the proposed settlement are available from the Agency by contacting Mrs. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

Internet: https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices.

Email: Painter.Paula@epa.gov.

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at (404) 562–8887.

Authority: Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601–9675.

Maurice Horsey,

Branch Chief, Enforcement Branch, Superfund & Emergency Management Division.

[FR Doc. 2026–00255 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OPRM–FAD–204]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–993–3272 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed December 26, 2025 10 a.m. EST Through January 5, 2026 10 a.m. EST

Pursuant to CEQ Guidance on 42 U.S.C. 4332.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20250176, Draft Supplement, NRC, SC, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 13, Second Renewal, Regarding Subsequent License Renewal for H.B. Robinson Steam Electric Plant, Unit No. 2, Draft Report for Comment, *Comment Period Ends:* 02/23/2026, *Contact:* Karen Loomis 301–415–5142.

EIS No. 20250177, Draft, UDOT, UT, Heber Valley Corridor EIS, *Comment Period Ends:* 03/09/2026, *Contact:* Naomi Kisen 801–965–4005.

EIS No. 20250178, Draft, DOE, MT, North Plains Connector Project, *Comment Period Ends:* 02/23/2026, *Contact:* NEPA Document Manager 202–586–2006.

EIS No. 20250179, Draft Supplement, NRC, FL, Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 11, Second Renewal, Regarding Subsequent License Renewal for St. Lucie Plant, Units 1 and 2, Draft Report for Comment, *Comment Period Ends:* 02/23/2026, *Contact:* Lance J. Rakovan 301–415–2589.

Dated: January 5, 2026.

Nancy Abrams,

Deputy Director, Federal Activities Division.

[FR Doc. 2026–00252 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0691; FRL–13151–01–OLEM]

Agency Information Collection Activities; Proposed Information Collection Request; Comment Request; Standardized Permit for RCRA Hazardous Waste Management Facilities (Renewal), EPA ICR No. 1935.08, OMB Control No. 2050–0182

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), ''Standardized Permit for RCRA Hazardous Waste Management Facilities'' (EPA ICR No. 1935.08, OMB Control No. 2050–0182) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described in **SUPPLEMENTARY INFORMATION**. This is a proposed extension of the ICR, which is currently approved through August 31, 2026. This document allows 60 days for public comments.

DATES: Comments may be submitted on or before March 10, 2026.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OLEM–2018–0691, to EPA online using *https://www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, U.S. Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Jeff Gaines, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566–0332; email address: *gaines.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through August 31, 2026. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

This document allows 60 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *https://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate forms of information technology. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** document to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Under the authority of sections 3004, 3005, 3008 and 3010 of the Resource Conservation and Recovery Act (RCRA), as amended, EPA revised the RCRA hazardous waste permitting program to allow a ''standardized permit.'' The standardized permit is available to facilities that generate hazardous waste and routinely manage the waste on-site in non-thermal units such as tanks, containers, and containment buildings. In addition, the standardized permit is available to facilities that receive hazardous waste generated off-site by a generator under the same ownership as the receiving facility, and then store or non-thermally treat the hazardous waste in containers, tanks, or containment buildings. The RCRA standardized permit consists of two components: a uniform portion that is included in all cases, and a supplemental portion that the Director of a regulatory agency includes at his or her discretion. The uniform portion consists of terms and conditions, relevant to the unit(s) at the permitted facility, and is established on a national basis. The Director, at his or her discretion, may also issue a supplemental portion on a case-by-case basis. The supplemental portion imposes site-specific permit terms and conditions that the Director determines necessary to institute corrective action under § 264.101 (or state equivalent), or otherwise necessary to protect human health and the environment. Owners and operators have to comply with the terms and conditions in the supplemental portion, in addition to those in the uniform portion.

Form numbers: None.

Respondents/affected entities: Entities potentially affected by this action are business or other for-profit.

Respondent's obligation to respond: Voluntary (40 CFR 270.275).

Estimated number of respondents: 1.

Frequency of response: One time.

Total estimated burden: 218 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $19,873 (per year), includes $693 annualized capital or operation & maintenance costs.

Changes in the estimates: The burden hours are likely to stay substantially the same.

Dated: December 22, 2025.

Andrew Baca,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2026–00209 Filed 1–8–26; 8:45 am]

BILLING CODE 6560–50–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meetings

TIME AND DATE: Tuesday, January 14, 2026, 9:00 a.m. Eastern Time.

PLACE: The meeting will be held at the Jacqueline A. Berrien Training Center, 131 M Street NE, Washington, DC 20507. The meeting will also be held as a listen-only audio dial-in by telephone. The public may attend in person or connect to the audio-only dial-in by following the instructions that will be posted on *www.eeoc.gov* at least 24 hours before the meeting. ASL services will be available.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

The following items will be considered at the meeting:

- Rescission of Commission Voting Procedures
- Resolution Concerning Chair and Commission Roles Regarding Agency Organizational Changes

Note: In accordance with the Sunshine Act, the public will be able to observe the Commission's deliberations and voting. (In addition to publishing notices on Commission meetings in the **Federal Register,** the Commission also provides information about Commission meetings on its website, *www.eeoc.gov,* and provides a recorded announcement one week in advance of future Commission meetings.)

Please telephone (202) 921–2705, or email *commissionmeetingcomments@eeoc.gov* at any time for information on this meeting. A transcript of the meeting will be made available on the agency's website thereafter.

CONTACT PERSON FOR MORE INFORMATION: Raymond Windmiller, Executive Officer, (202) 921–2705.

Dated: January 7, 2026.

Raymond D. Windmiller,

Executive Officer, Executive Secretariat.

[FR Doc. 2026–00251 Filed 1–7–26; 4:15 pm]

BILLING CODE 6570–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's

Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm*. Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Benjamin W. McDonough, Deputy Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than February 9, 2026.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *The Stephen M. Calk 2025 Trust, Houston, Texas;* to become a savings and loan holding company by acquiring National Bancorp Holdings, Inc., and thereby indirectly acquiring The Federal Savings Bank, both of Chicago, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–00280 Filed 1–8–26; 8:45 am]

BILLING CODE P

GOVERNMENT ACCOUNTABILITY OFFICE

Request for Medicare Payment Advisory Commission (MedPAC) Nominations

AGENCY: Government Accountability Office.

ACTION: Request for letters of nomination and resumes.

SUMMARY: The Balanced Budget Act of 1997 established the Medicare Payment Advisory Commission (MedPAC) and gave the Comptroller General of the United States responsibility for appointing its members. The Government Accountability Office (GAO) is now accepting nominations for MedPAC appointments that will be effective in May 2026. Nominations should be sent to the email address listed below. Acknowledgement of receipt will be provided within a week of submission.

DATES: Letters of nomination and resumes should be submitted no later than February 6, 2026, to ensure adequate opportunity for review and consideration of nominees prior to appointment.

ADDRESSES: Submit letters of nomination and resumes to *MedPACappointments@gao.gov.*

FOR FURTHER INFORMATION CONTACT: Greg Giusto at *giustog@gao.gov* or (202) 512–7114 if you do not receive an acknowledgement or need additional information. For general information, contact GAO's Office of Public Affairs, at *PublicAffairs@gao.gov.*

Authority: 42 U.S.C. 1395b–6.

Orice Williams Brown,

Acting Comptroller General of the United States.

[FR Doc. 2026–00282 Filed 1–8–26; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Evaluation of the Trafficking Victim Assistance Program (TVAP) and Aspire: Child Trafficking Victim Assistance Program (New Collection)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Planning, Research, and Evaluation (OPRE) is proposing a new data collection activity for the Evaluation of the Trafficking Victim Assistance Program (TVAP) and Aspire: Child Trafficking Victim Assistance Program (Aspire). The evaluation will examine the key characteristics and implementation of the programs, including the challenges, strengths, and successes.

DATES: Comments due February 9, 2026.

ADDRESSES: The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202601-0970-002.* You can also obtain copies of the proposed collection of information by emailing *opreinfocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: TVAP and Aspire are funded by the Office on Trafficking in Persons to provide time-limited comprehensive case management services to individuals who have experienced severe forms of human trafficking, including adults (TVAP) and children (Aspire). The programs also aim to (1) Develop and maintain a nationwide network of providers to conduct human trafficking outreach and provide direct services and community referrals, and (2) Establish local regional presence within each of the 10 ACF geographic regions to coordinate project activities and direct services. The purpose of the proposed information collection activity is to document and examine the goals of TVAP and Aspire following redesign in 2022, how the programs are structured and administered, how partnerships are developed and maintained, how clients reach the programs, how comprehensive case management services are provided, and factors that affect program implementation.

The proposed information collection activities include:

1. Semi-structured virtual interviews focused in three of the ACF geographic regions with:

a. Subrecipient service providers who provide case management services to TVAP and/or Aspire clients. Interviews will include questions about client referral and enrollment, case management service provision, support received from TVAP/Aspire leadership, interactions with community partners and/or government systems, and perceptions of the programs.

b. Other service providers who serve people referred from TVAP and/or Aspire but are not formal subrecipient partners. Interviews will include questions about providers' relationship to the programs, referral pathways through TVAP/Aspire, assistance provided to these clients, interactions with various groups related to TVAP/Aspire, and perceptions of the programs.

c. Local government system (*e.g.,* law enforcement, child welfare) personnel who interact with TVAP/Aspire program staff, subrecipients, and/or clients. Interviews will include questions about their interactions with and perceptions of TVAP/Aspire.

d. Clients, *i.e.,* people who have been enrolled in and received assistance through TVAP and/or Aspire beginning in Fiscal Year (FY) 2023. Respondents must be at least 18 years old at the time of the interview. Interviews will include questions about how they learned about the programs, services they received, what was helpful, and what could be improved.

2. A web-based survey of all providers that have participated as a TVAP and/or Aspire subrecipient beginning in FY 2023. The survey will include questions about organizational characteristics, client enrollment and services provision, and perceptions of program implementation, including challenges, strengths, and successes.

Respondents: TVAP and Aspire subrecipient service providers, other service providers (non-subrecipients) who receive TVAP and/or Aspire referrals, local government system personnel (*e.g.,* law enforcement, child welfare professionals), and TVAP and/or Aspire clients (individuals who have been enrolled into the programs).

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden (in hours)
Subrecipient Interview Guide	30	1	1.5	45	23
Other Service Provider Interview Guide	20	1	1	20	10
Local Government Systems Interview Guide	10	1	1	10	5
Client Interview Guide	30	1	1	30	15
Subrecipient Survey	100	1	0.58	58	29
Estimated Total Annual Burden Hours					82

Authority: Public Law 106–386 section 107 [22 U.S.C. 7105].

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2026–00213 Filed 1–8–26; 8:45 am]

BILLING CODE 4184–50–P

DEPARTMENT OF HOMELAND SECURITY

Fiscal Year 2025 Senior Executive Service Performance Review Boards

AGENCY: Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice updates the September 11, 2025 notice announcing the appointment of members of the Fiscal Year (FY) 2025 Senior Executive Service (SES) Performance Review Boards (PRBs) for the Department of Homeland Security (DHS).

FOR FURTHER INFORMATION CONTACT: Christian Fajardo, Human Resources Specialist, Office of the Chief Human Capital Officer, *christian.fajardo@hq.dhs.gov,* 771–200–0392.

SUPPLEMENTARY INFORMATION: This notice updates the notice published on September 11, 2025 at 90 FR 44080, to remove two names and add six names to the FY 2025 SES PRBs for the Department of Homeland Security (DHS). The purpose of the PRBs is to make recommendations to the appointing authority (*i.e.,* Agency Head) on the performance of senior executives (career, noncareer, and limited appointees), including recommendations on performance ratings, performance-based pay adjustments, and performance awards. The PRBs will also make recommendations on the performance of Transportation Security Executive Service, Senior-Level, and Scientific and Professional employees. To make its recommendations, the PRBs will review performance appraisals, initial summary ratings, any response by the employee, and any higher-level official's recommendation.

In accordance with 5 U.S.C. 4314(c) and 5 CFR 430.311, each agency must establish one or more PRBs to make recommendations to the appointing authority (*i.e.,* Agency Head) on the performance of its senior executives. Each PRB must consist of three or more members. More than one-half of the membership of a PRB must be SES career appointees when reviewing appraisals and recommending performance-based pay adjustments or performance awards for career appointees. Composition of the PRB will be determined from among the individuals listed below:

List of Names (Alphabetical Order)

Alfonso-Royals, Angelica
Courtney, Paul
Edwards, Roland
Evans, Karen
Gountanis, John
Guy, Joseph
Hemenway, Troup
Horyn, Iwona
Huffman, Benjamine
Mazzara, Joseph
McCleary, Stephen
McCord, Antoine
McGill, Greyson
Mehringer, Holly
Munoz, Steven
Nelson, Jason
Noem, Kristi
Paramore, Faron
Percival, James
Rubino, Jaclyn
Sartini, Ronald
Stackhouse, Paul
Watkins, Tracey

Dated: January 6, 2026.

Gregory Ruocco,

Director, Executive Resources, Office of the Chief Human Capital Officer.

[FR Doc. 2026–00244 Filed 1–8–26; 8:45 am]

BILLING CODE 9112–FC–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6549–N–02]

Notice of Federal Advisory Committee Meeting; Manufactured Housing Consensus Committee (MHCC)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda for two meetings of the Manufactured Housing Consensus Committee (MHCC) to be held on January 27, 2026, and January 28, 2026, from 11:00 a.m. to 5:00 p.m., Eastern Daylight Time (EDT) each day via teleconference and webinar. The meetings are open to the public. The agenda provides an opportunity for interested parties to comment on the business before the MHCC.

DATES: The MHCC meetings will be held on January 27, 2026, and January 28, 2026, from 11:00 a.m. to 5:00 p.m., Eastern Daylight Time (EDT).

ADDRESSES: The meetings will be held via teleconference.

The teleconference number for meetings is:

Phone: (301) 715–8592
Meeting ID: 861 1591 2859

To access the webinar, use the following link: *https://us06web.zoom.us/j/86115912859.*

FOR FURTHER INFORMATION CONTACT: Mary Jo Houton, Administrator, Office of Manufactured Housing Programs, Department of Housing and Urban Development, 451 7th Street SW, Room 9166, Washington, DC 20410, telephone (202) 708–6423 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as from individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

SUPPLEMENTARY INFORMATION:

Background

Notice of these meetings is provided in accordance with the Federal Advisory Committee Act (FACA) and implementing regulations. 5 U.S.C. 1009(a)(2), 41 CFR 102–3.150. The Manufactured Housing Consensus Committee (MHCC) was established by the National Manufactured Housing Construction and Safety Standards Act of 1974. Public Law 93–383, 88 Stat. 633, codified at 42 U.S.C. 5401 *et seq.* This Act was later amended by the Manufactured Housing Improvement Act of 2000 (Pub. L. 106–569, 114 Stat. 2944). Under 42 U.S.C. 5403, the purposes of the MHCC are to:

(1) Provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

(2) Provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b); and

(3) Be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation.

The MHCC is deemed an advisory committee not composed of Federal employees.

Public Comment

Interested parties wishing to make comments on the business of the MHCC are encouraged to register by or before Friday, January 16, 2026, by contacting HUD's Administering Organization for the MHCC (AO), Home Innovation Research Labs; *Attention:* Kevin Kauffman, 400 Prince Georges Blvd., Upper Marlboro, MD 20774, or email to *mhcc@homeinnovation.com* or call 1–888–602–4663. Written comments are encouraged. The MHCC strives to accommodate citizen comments to the extent possible within the time constraints of the meeting agenda. Advance registration is strongly encouraged. The MHCC will provide an opportunity for public comments on specific matters before the MHCC.

The Department of Housing and Urban Development (HUD), Office of Manufactured Housing Programs, is providing an opportunity for the MHCC to discuss a Request for Information (RFI) published by the Department of Energy (DOE) on September 3, 2025. The RFI solicits the public's input on certain aspects of its energy conservation standards for manufactured housing. The public input DOE receives is anticipated to help guide its further refinement of certain aspects of energy conservation standards for manufactured housing, as well as the supporting technical analysis, including anticipated costs and benefits. Responses may also serve as the basis for restructuring DOE's approach and framework for standards that would apply to manufactured housing. HUD is scheduling this meeting with the MHCC to allow robust discussion, analysis, and consideration of what, if any, recommendations to make to the Secretary with respect to the standards. This meeting is scheduled for two days to provide sufficient time for thorough consideration and collection of MHCC responses. HUD, therefore, strongly encourages active participation by committee members, stakeholders, and other interested parties.

Tentative Agenda for Tuesday, January 27, 2026

(1) Call to Order—MHCC Chair & *Mary Jo Houton,* Designated Federal Officer (DFO) (2) Roll Call—AO
(3) Opening Remarks—MHCC Chair & DFO
(4) Introductions;
(a) MHCC Members;
(b) HUD Staff; and
(c) Guests.
(5) Administrative Announcements—DFO & AO
(6) Public Comment Period—15 minutes
(7) Review of the Department of Energy's Request for Information regarding Manufactured Housing Energy Conservation Standards
(8) Public Comment Period—15 minutes
(9) Wrap Up—DFO & AO
(10) Adjourn

Tentative Agenda for Wednesday, January 28, 2026

(1) Reconvene Meeting—MHCC Chair & *Mary Jo Houton,* Designated Federal Officer (2) Call to Order—MHCC Chair & *Mary Jo Houton,* Designated Federal Officer (DFO)
(3) Roll Call—AO
(4) Introductions;
(a) MHCC Members;
(b) HUD Staff; and
(c) Guests.
(5) Administrative Announcements—DFO & AO
(6) Public Comment Period—15 minutes
(7) Continue the review of the Department of Energy's Request for Information regarding Manufactured Housing Energy Conservation Standards
(8) Public Comment Period—15 minutes
(9) Wrap Up—DFO & AO
(10) Adjourn

Frank Cassidy,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 2026–00223 Filed 1–8–26; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7103–N–03; OMB Control No.: 2528–0324]

60-Day Notice of Proposed Information Collection: Data Collection for the HUD Secretary's Awards

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* March 10, 2026.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can be sent within 60 days of publication of this notice to *www.regulations.gov.* Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Heidi Joseph, Department of Housing and Urban Development, 451 7th Street SW, Room 8110, Washington, DC 20410. Comments may also be submitted via email to *PDRPublicComments@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Heidi Joseph, Director of the Research Utilization Division, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Heidi Joseph at *PDRPublicComments@hud.gov,* 202–402–2016. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Heidi Joseph.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Data Collection for the HUD Secretary's Awards.

OMB Approval Number: 2528–0324.

Type of Request: Revision of currently approved collection.

Form Number: None.

Description of the Need for the Information and Proposed Use: The U.S. Department of Housing and Urban Development (HUD) seeks to collect information that will be used to implement the HUD Secretary's Awards program. On an annual basis, HUD accepts nominations for various HUD Secretary's Awards categories. Each award recognizes awardees for their innovation and commitment to raising industry standards and increasing the quality of life for low- and moderate-income households. The HUD Secretary's Awards are an important public engagement activity that highlights best practices and innovations in the field and helps HUD communicate its priorities to the public and its partners. HUD will receive award nominations using an application form, with information collection via web-based forms or email submissions.

Respondents: Respondents are eligible applicants for the HUD Secretary's Awards. Eligible applicants include individuals and organizations such as public housing authorities, tribally-designated housing entities, developers, community organizations, faith-based organizations, foundations, and other entities that work in housing and community development.

Estimated Number of Respondents: 150 respondents.

Estimated Number of Responses: 150 responses.

Frequency of Response: 1 response/year.

Average Hours per Response: 6 hours.

Total Estimated Burdens: 900 hours/year, $20,376/year.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
HUD Secretary's Award Nomination Form	150	1	150	6	900	$22.64	$20,376

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Todd M. Richardson,

General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2026–00283 Filed 1–8–26; 8:45 am]

BILLING CODE 4210–67–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–459 and 731–TA–1155 (Third Review)]

Commodity Matchbooks From India; Revised Schedule for the Subject Proceeding

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: January 2, 2025.

FOR FURTHER INFORMATION CONTACT: Juan-Carlos Pena-Flores (202–205–3169), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective October 1, 2025, the Commission established a schedule for the conduct of the subject proceeding (90 FR 47330, October 1, 2025). Due to a lapse in appropriations and ensuing cessation of Commission operations, the Commission revised its schedule effective November 25, 2025 (90 FR 5563, December 3, 2025). The Commission is again revising its schedule as follows: responses to the notice of institution are due January 7, 2025; comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review are due February 17, 2026.

For further information concerning this proceeding, see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant section 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 7, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–00285 Filed 1–8–26; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Class Exemption for Certain Transactions Involving Purchase of Securities Where Issuer May Use Proceeds To Reduce or Retire Indebtedness To Parties in Interest (PTE 1980–83)

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before February 9, 2026.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Michael Howell by telephone at 202–693–6782, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: Class exemption PTE 80–83, granted on November 4, 1980, allows employee benefit plans to purchase securities, which may aid the issuer of the securities to reduce or retire indebtedness to a party in interest. Entities who rely on the exemption are mainly banks that purchase, on behalf of employee benefit plans, securities issued by a corporation indebted to the bank that is a party in interest to the plan.

The principal requirements of the exemption are that the securities must be sold as part of a public offering, and the price paid for the securities must not be in excess of the original offering price. A plan fiduciary may not engage in certain transactions with parties in interest as defined in section 3(14) of ERISA, including plan fiduciaries, sponsoring employers, employee organizations, service providers and affiliates, unless an exemption applies to the transaction. This exemption also provides relief from the prohibited transaction provisions of Section 4975 of the Internal Revenue Code (the Code). For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 11, 2025 (90 FR 30984).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–EBSA.

Title of Collection: Class Exemption for Certain Transactions Involving Purchase of Securities where Issuer May Use Proceeds to Reduce or Retire Indebtedness to Parties in Interest (PTE 1980–83).

OMB Control Number: 1210–0064.

Affected Public: Private sector.

Total Estimated Number of Respondents: 25.

Total Estimated Number of Responses: 25.

Total Estimated Annual Time Burden: 15 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–00211 Filed 1–8–26; 8:45 am]

BILLING CODE 4510–29–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings

TIME AND DATE: The Institutional Advancement and Communications Subcommittee, Delivery of Legal Services, Operations and Regulations, and Governance and Performance Review Committees of the Legal Services Corporation (LSC) Board of Directors will meet virtually on January 15, January 22, and January 23, 2026, respectively. The Institutional Advancement Committee and Communications Subcommittee meeting will begin on January 15 at 1:00 p.m. Eastern Time. The Delivery of Legal Services Committee meeting will follow at 2:00 p.m. Eastern Time, with both meetings continuing until the conclusion of the Committees' agendas. The Operations and Regulations Committee will begin on January 22 at 11:30 a.m. Eastern Time and continue until the conclusion of the Committee's agenda. The Governance and Performance Review Committee will begin on January 23 at 1:00 p.m. Eastern Time and continue until the conclusion of the Committee's agenda.

PLACE: Public Notice of Virtual Meeting. LSC will conduct the January 15, January 22, and January 23, 2026, meetings via videoconference. Unless otherwise noted herein, the meetings will be open to public observation via LSC's YouTube channel: *https://www.youtube.com/@LegalServicesCorp/streams.*

STATUS: Parts of the Institutional Advancement Committee and Communications Subcommittee meeting will be open to the public. The rest of the meeting will be closed to the public. The Delivery of Legal Services, Operations and Regulations, and Governance and Performance Review Committees meetings will be open to the public.

MATTERS TO BE CONSIDERED: The agendas for the respective committee meetings are as follows:

PORTIONS OPEN TO THE PUBLIC:

1. *Institutional Advancement Committee and Communications Subcommittee:* Matters to be discussed include a briefing by the Friends of Legal Services Corporation; a Chairman's Report and update on the Leaders Council and Emerging Leaders Council; discussion of the results of the Committee's and Subcommittee's self-evaluation for 2025; a development update and privately funded project highlights; and a strategic communications and social media update.

2. *Delivery of Legal Services Committee:* Matters to be discussed include an update on revisions to LSC's Performance Criteria ; a presentation on the Case Service Reporting Handbook and Grant Recipient Reporting to LSC on Extended versus Limited Cases; comments from the Client Leadership Council; and discussion of the results of the Committee's self-evaluation for 2025.

3. *Operations and Regulations Committee:* Matters to be discussed include discussion of the results of the Committee's self-evaluation for 2025; Management's Report on Implementation of LSC's Strategic Plan in 2025 and considering and acting on Justification Memorandum for Parts 1630—Cost Standards and Procedures and 1631—Purchasing and Property Management.

4. *Governance and Performance Review Committee:* Matters to be discussed include a report on the annual Board and Committee self-evaluation process; discussion of the results of the Committee's self-evaluation for 2025; a report on U.S. Department of Justice's Access to Justice Office, White House Legal Aid Interagency Roundtable (LAIR) and Elder Justice Coordinating Committee; discussion of LSC President's annual self-evaluation; and feedback on Inspector General's 2025 activities.

PORTIONS CLOSED TO THE PUBLIC:

1. *Institutional Advancement Committee and Communications Subcommittee:* Matters to be discussed include private donor solicitation and considering and acting on the approval of invitees to the Leaders Council and Emerging Leaders Council.

CONTACT PERSON FOR MORE INFORMATION: Jessica Wechter, Special Assistant to the President, at (202) 295–1500. Questions may also be sent by electronic mail to the Office of the Corporate Secretary at *updates@lsc.gov.*

Non-Confidential Meeting Materials: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC website, at *https://www.lsc.gov/about-lsc/board-meeting-materials.*

(Authority: 5 U.S.C. 552b.)

Dated: January 6, 2026.

Stefanie Davis,

Deputy General Counsel, Legal Services Corporation.

[FR Doc. 2026–00233 Filed 1–7–26; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Renew an Information Collection

AGENCY: U.S. National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The U.S. National Science Foundation (NSF) is announcing plans to renew clearance of this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

DATES: Written comments should be received by March 10, 2026 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314, or by email to *splimpto@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Title of Collection: ''Postdoctoral Research Fellowships in Biology Application Form A and Reference Writer Recommendation.''

OMB Approval Number: 3145–0203.

Expiration Date of Approval: June 30, 2026.

Type of Request: Intent to seek approval to renew an information collection for three years.

Proposed Project: The Directorate for Biological Sciences (BIO) of the U.S. National Science Foundation (NSF) will use the NSF Application Form A and recommendation form for the Postdoctoral Research Fellowships in Biology Program (*https://www.nsf.gov/funding/opportunities/prfb-postdoctoral-research-fellowships-biology/503622/nsf24-593*). All scientists submitting the NSF Application Forms and recommendation forms to NSF/BIO will be asked to complete an electronic version of the forms. The NSF Application Form A consists of brief questions about the investigator and the substance of the research. The recommendation form consists of brief questions about the reference writer and the uploading of a recommendation letter drafted by the reference writer.

Use of the Information: The information gathered with the NSF Application Form A and recommendation form serves three main purposes. The first is to provide vehicles for applicants to submit applications and reference writers to submit recommendations.

The second is facilitation of the proposal review process. Since peer review is a key component of NSF's grant-making process, it is imperative that proposals are reviewed by scientists with appropriate expertise. The information collected helps ensure that the proposals are evaluated by specialists who are well versed in appropriate subject matter. This helps maintain a fair and equitable review process.

The third use of the information is program evaluation. The Directorate is committed to investing in a range of substantive areas. With data from this collection, the Directorate can calculate submission rates and funding rates in specific areas of research. Similarly, the information can be used to identify emerging areas of research and evaluate changing infrastructure needs in the research community. As the U.S. National Science Foundation is committed to funding cutting-edge science, these factors all have implications for program management.

The Directorate of Biological Sciences has a continuing commitment to monitor its information collection to preserve its applicability and necessity. Through periodic updates and revisions, the Directorate ensures that only useful, non-redundant information is collected to reduce excessive reporting burdens.

Burden on the Public: The Directorate estimates that an average of 25 minutes is expended for each NSF Application Form A submitted and an average of 150 minutes is expended for each reference writer recommendation added. An estimated 1200 responses are expected per year for a total of 2167 public burden hours annually.

Expected Respondents: Individuals.

Estimated Number of Responses: 1200.

Estimated Number of Respondents: 1200.

Estimated Total Annual Burden on Respondents: 2167 hours.

Frequency of Responses: On occasion.

Dated: January 7, 2026.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2026–00270 Filed 1–8–26; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2026–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of January 12, 19, and 26, and February 2, 9, and 16, 2026. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please contact the Reasonable Accommodations Resource by email at *Reasonable_Accommodations.Resource@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of January 12, 2026

There are no meetings scheduled for the week of January 12, 2026.

Week of January 19, 2026—Tentative

There are no meetings scheduled for the week of January 19, 2026.

Week of January 26, 2026—Tentative

There are no meetings scheduled for the week of January 26, 2026.

Week of February 2, 2026—Tentative

There are no meetings scheduled for the week of February 2, 2026.

Week of February 9, 2026—Tentative

There are no meetings scheduled for the week of February 9, 2026.

Week of February 16, 2026—Tentative

There are no meetings scheduled for the week of February 16, 2026.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: January 7, 2026.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2026–00271 Filed 1–7–26; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–335 and 50–389; EISX–429–00–000–1765783975; NRC–2021–0197]

Florida Power & Light Co.; St. Lucie Plant, Units 1 and 2; Draft Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) is issuing for public comment ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 11, Second Renewal, Regarding Subsequent License Renewal for St. Lucie Plant, Units 1 and 2, Draft Report for Comment.'' This draft environmental impact statement (EIS) concerns the NRC staff's review of the environmental impacts of the proposed subsequent renewal of Renewed Facility Operating License Nos. DPR–67 and NPF–16 for St. Lucie Plant, Units 1 and 2 (St. Lucie), respectively, for an additional 20 years. St. Lucie is located in St. Lucie County, Florida, approximately 7 miles southeast of the city of Fort Pierce, Florida. The environmental impacts of the no-action alternative, including replacement energy alternatives under the no-action alternative, are also evaluated in the EIS.

DATES: Members of the public are invited to submit comments by February 23, 2026. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0197. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email:* Comments may be submitted to the NRC electronically using the email address *SaintLucieEnvironmental@nrc.gov.*
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–

0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Lance Rakovan, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2589; email: *Lance.Rakovan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0197 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action using any of the following methods:

• *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0197.

• *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.* ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 11, Second Renewal, Regarding Subsequent License Renewal for St. Lucie Plant, Units 1 and 2, Draft Report for Comment'' is available under ADAMS Accession No. ML25349A162.

• *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.

• *Public Library:* A copy of ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 11, Second Renewal, Regarding Subsequent License Renewal for St. Lucie Plant, Units 1 and 2, Draft Report for Comment'' will be available for public review at the Morningside Branch of the St. Lucie County Library, 2410 SE Morningside Blvd., Port St. Lucie, Florida 34952 and at the Kilmer Branch of the St. Lucie County Library, 101 Melody Lane, Fort Pierce, Florida 34950.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2021–0197 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

By letter dated August 3, 2021 (ADAMS Package Accession No. ML21215A314), Florida Power & Light Co. (FPL) submitted to the NRC an application requesting subsequent renewal of Renewed Facility Operating License Nos. DPR–67 and NPF–16 for St. Lucie, Units 1 and 2, respectively, for an additional 20 years of operation. This submission initiated the NRC's proposed action of determining whether to grant the subsequent license renewal application. The St. Lucie units are pressurized light-water moderated and cooled reactors designed by Combustion Engineering and are located in St. Lucie County, Florida, approximately 7 miles southeast of Fort Pierce, Florida. The current renewed facility operating license for Unit 1 expires at midnight on March 1, 2036, and the current renewed facility operating license for Unit 2 expires at midnight on April 6, 2043. The subsequent license renewal application was submitted pursuant to part 54 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Requirements for Renewal of Operating Licenses for Nuclear Power Plants,'' and seeks to subsequently renew the renewed facility operating license for Unit 1 until midnight on March 1, 2056, and the renewed facility operating license for Unit 2 until midnight on April 6, 2063. A notice of receipt and availability of the application was published in the **Federal Register** on August 16, 2021 (86 FR 45768). A notice of acceptance for docketing of the application and of an opportunity to request a hearing was published in the **Federal Register** on September 29, 2021 (86 FR 53986). A notice of intent to conduct a scoping process and to prepare an environmental impact statement was published in the **Federal Register** on October 22, 2021 (86 FR 58701).

III. Discussion

The NRC is issuing for public comment ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Supplement 11, Second Renewal, Regarding Subsequent License Renewal for St. Lucie Plant, Units 1 and 2, Draft Report for Comment.'' This draft EIS includes the NRC staff's preliminary analysis of the environmental impacts of the proposed action and alternatives to the proposed action.

Based on (1) the analysis and findings in NRC's NUREG 1437, Revision 2, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants, Final Report'' (ADAMS Package Accession No. ML24087A133), dated August 2024; (2) the subsequent license renewal application; (3) the NRC staff's consultation with Federal, State, Tribal, and local governmental agencies; (4) the NRC staff's independent environmental review; and (5) the NRC staff's consideration of public comments received during the scoping process, the NRC staff's preliminary recommendation is that the adverse environmental impacts of subsequent license renewal for St. Lucie are not so great that preserving the option of subsequent license renewal for energy-planning decision-makers would be unreasonable.

Dated: January 7, 2026.

For the Nuclear Regulatory Commission.

Kimyata Savoy,

Acting Deputy Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–00238 Filed 1–8–26; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–261; NRC–2025–0076]

Duke Energy Progress, LLC; H. B. Robinson Steam Electric Plant, Unit No. 2; Draft Supplemental Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC, the Commission) is issuing for public comment draft Supplement 13, Second Renewal to the Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, NUREG–1437, regarding the proposed subsequent renewal of Renewed Facility Operating License No. DRP–23 for an additional 20 years for H. B. Robinson Steam Electric Plant, Unit No. 2 (RNP). RNP is located in Darlington County, South Carolina, approximately 5 miles west-northwest of Hartsville, South Carolina. This document includes the NRC staff's preliminary analysis of the environmental impacts of the proposed action of RNP subsequent license renewal (SLR), as well as the environmental impacts of the no-action alternative, including replacement energy alternatives under the no-action alternative.

DATES: Members of the public are invited to submit comments by February 23, 2026. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0076. Address questions about Docket IDs in *Regulations.gov* to Bridget Curran; telephone: 301–415–1003; email: *Bridget.Curran@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Karen Loomis, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5142; email: *Karen.Loomis@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2025–0076 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this action using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2025–0076.
- *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.* Draft Supplement 13, Second Renewal, to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, is available in ADAMS under Accession No. ML25344A144.
- *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 (ET), Monday through Friday, except Federal holidays.
- *Public Library:* A copy of draft Supplement 13, Second Renewal to the GEIS for License Renewal of Nuclear Plants, NUREG–1437, will be available for public review at the Hartsville Memorial Library, 147 West College Ave., Hartsville, SC 29550.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2025–0076 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

The NRC is issuing for public comment draft Supplement 13, Second Renewal to the GEIS for License Renewal of Nuclear Plants, NUREG–1437. This document includes the NRC staff's preliminary analysis of the environmental impacts of the proposed action of RNP SLR and the alternative to the proposed action. The NRC staff's preliminary recommendation is that the adverse environmental impacts of RNP SLR are not so great that preserving the option of SLR for energy-planning decisionmakers would be unreasonable and that the environmentally preferred alternative is the proposed action.

Dated: January 5, 2026.

For the Nuclear Regulatory Commission.

Stephen Koenick,

Chief, Environmental Project Management Branch 1, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2026–00236 Filed 1–8–26; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2026–147 and K2026–147]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 14, 2026.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *https://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). The Public Representative does not represent any individual person, entity or particular point of view, and, when Commission attorneys are appointed, no attorney-client relationship is established. Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* MC2026–147 and K2026–147; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1475 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 6, 2026; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* January 14, 2026.

III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Ashley Demchak,

Alternate Federal Register Liaison.

[FR Doc. 2026–00267 Filed 1–8–26; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Notice of modified systems of records.

SUMMARY: The United States Postal Service (USPS) is proposing to revise two Privacy Act Systems of Records. These updates are being made to streamline USPS' policy creation and review process, to enhance USPS' capacity for oversight and security in their eCommerce environments, and to support enhanced USPS IT search services.

DATES: These revisions will become effective without further notice on February 9, 2026, unless, in response to comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*uspsprivacyfedregnotice@usps.gov*). To facilitate public inspection, arrangements to view copies of any written comments received will be made upon request.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *uspsprivacyfedregnotice@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service is proposing revisions to two existing systems of records (SOR) to streamline USPS' policy creation and review process, to enhance USPS' capacity for oversight and security in their eCommerce environments, and to support enhanced USPS IT search services

I. Background

This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records.

The Postal Service is proposing to modify two SORs to streamline USPS' policy creation and review process, to enhance USPS' capacity for oversight and security in their eCommerce environments, and to support enhanced USPS IT search services:

USPS SOR 550.000 Commercial Information Technology Resources—Infrastructure

USPS SOR 550.100 Commercial Information Technology Resources—Applications

These proposed changes are as follows:

In USPS SOR 550.000 Commercial Information Technology Resources—Infrastructure:

1. One new purpose, 17.
2. One revision to existing category of records, 1.

In USPS SOR 550.100 Commercial Information Technology Resources—Applications:

1. Two new purposes, 13 and 14.
2. Nine new categories of records, 15 through 23.

II. Rationale for Changes to USPS Privacy Act Systems of Records

To ensure fairness, efficiency, security, and legal compliance, the Postal Service promulgates several types of policy and procedural documents. Given the complexity and length these documents may present, creation and revision to these documents can be quite onerous, occupying employee attention that could be spent elsewhere.

The Postal Service therefore will implement a new tool to assist this process, simplifying the policy creation and revision process, ensuring accountability for document stakeholders, and providing a single application source to track policy documents throughout their lifecycle.

In addition, the Postal Service will implement a new application providing oversight into USPS employee activity relating to eCommerce, enabling accountability and auditing to meet compliance and organizational requirements.

Finally, the Postal Service will introduce new functionality to utilize Artificial Intelligence services to analyze possible technology issues and provide remediation.

III. Description of the Modified Systems of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions to this SOR has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect that this modified system of records will have any adverse effect on individual privacy rights. Accordingly, for the reasons stated above, the Postal Service proposes revisions included in this system of records presented in its entirety as follows:

SYSTEM NAME AND NUMBER:

550.000 Commercial Information Technology Resources—Infrastructure

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All USPS facilities and contractor sites.

SYSTEM MANAGER(S) AND ADDRESS:

For records of computer access authorizations: Chief Information Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To provide USPS employees, contractors, and other authorized individuals with hierarchical access to and accounts for commercial information technology resources administered by the Postal Service and based on least privileged access.
2. To facilitate a cohesive software experience and simplify ease of use by sharing user and application data across participating IT programs.
3. To authenticate user identity for the purpose of accessing USPS information systems.
4. To assess user attributes and assign related access privileges.
5. To authenticate suppliers and contractors and facilitate further access to downstream Postal Service information systems.
6. To provide active and passive monitoring of information systems, applications, software, devices, and users for information security risks.
7. To review information systems, applications, software, devices, and users to ensure compliance with USPS regulations.
8. To facilitate and support cybersecurity investigations of detected or reported information security incidents.
9. To administer programs, processes, and procedures to assess information security risks and to detect information security threats and vulnerabilities.
10. To provide tools and analytics for USPS employees and contractors to measure work productivity and improve efficiency.
11. To improve manager-subordinate relationships within their formal reporting structure through data-based insights generated from their own email and related electronic communications with subordinates.
12. To provide employees access to a large language model based chat assistant.
13. To associate chat assistant conversations with individual USPS employee users for quick response and recollection.
14. To identify trends in chat assistant conversations for model refinement.
15. To ensure the accuracy of responses provided by the chat assistant to the end user.
16. To voluntarily provide data generated from chat assistant conversations to large language models for future model training and development.
17. To provide user-associated incidents to Artificial Intelligence algorithms for analysis and remediation.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals with authorized access to USPS computers, information resources, and facilities, including employees, contractors, business partners, suppliers, and third parties.
2. Individuals participating in web-based meetings, web-based video conferencing, web-based communication applications, and web-based collaboration applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Information System Account Access Records:* Records relating to the access or use of an information system, application, or piece of software, including; Name, User ID, Email Address, User Type, User Role, Job Title, Department, Manager, Company, Street Address, State Or Province, Country Or Region, Work Phone Number(S), Employee Identification Number (EIN), Advanced Computing Environment (ACE) ID, License Information, Action Initiated, Datetime, User Principle Name, Usage Location, Alternate Email Address, Proxy Address, Age Group, IP Address, MAC Address, Password, Multi-Factor Authentication Credentials, Security Questions, Security Answers, Passcode, Geolocation Data, User Profile Picture, Picture Metadata, Information Technology Account Administration User Configuration Status, Supplier Credentials, Supplier Company Codes, Conditional Access Attributes, Last Sign-In Time, User Account Status, User Admin Status, Password Length Compliance, Password Strength, Number Of Installed External Apps, Less Secure Apps Access, Admin-Defined Name, Profile Name Status, Photo Storage Space Used, Total Storage Space Used, Storage Usage Percentage, Total Emails Sent, Total Emails

Received, Total Emails Sent And Received, Email Server Last Usage Time, Device Application Change, Device Privilege Changed, Device Policy Changed, Device Action Reported, Device Compliance Status, Device Operating System Updated, Device Ownership Updated, Device Settings Changed, Device Status Changed Through Apple Device Enrollment, Device Account Synced, Device Risk Signal Updated, Device Work Profile Submitted, Document Uploaded to chat assistant, Desk Location, District Code, Domain, Duty Finance Number, EDU Status, Employee Type, Enable Multifactor Authentication True/False, External User Type, Failed Login Attempts, Federated ID String, FLSA String, Gender, Geolocation tracked True/False, Hashed User ID String, Internal Integration User True/False, Language, Last Login Date, Last Login Device, Last Login Time, Last Password, Last position, Latitude Floating Point Number, LDAP Server, LDC Code, Location, Locked Out True/False, Longitude Floating Point, Mailer ID, Non-Assignable True/False, Notification Integer, Occupation Code, On Schedule Choice, Organization, Password Needs Reset True/False, Pay Band, Pay Band Level Code, Pay Location, PCES Manager True/False, PCI User True/False, Performance Cluster Code, Prefix, Schedule, Source, SSO Source, STAF Session, Sys ID, Time Format, Time sheet policy, Time Zone, Title, Updated Date/Time, Updated By, Updates, System Specific User ID, VIP True/False, VP Organization, Web Service Access Only True/False, Work Agent Status, VoicePrint.

2. *Security Analytics Records:* Records relating to the gathering, analysis, review, monitoring, and investigation of information system security risks, including; User Investigation Priority Score, User Identity Risk Level, User Lateral Movement Paths, User Devices Numbers, User Account Numbers, User Resources Numbers, User Locations Numbers, User Matches Files Numbers, User Locations, Apps Used By User, User Groups, User Last Seen Date, User Affiliation, User Domain, App Instance, Organizational Groups, User Account Status, Activity ID, Activity Objects, Activity Type, Administrative Activity, Alert ID, Applied Action, Activity Date, Device Tag, Activity Files And Folders, Impersonated Activities, App Instance Activity, App Location Activity, Activity Matched Policy, Activity Registered ISP, Activity Source, Activity User, Activity User Agent, Activity User Agent Tag, Application Risk Score, Application Activity, User Software Deactivation, User Software Installation, User Software Removal, Last Date Of Software Execution, internet Application Transaction Counts, Data Volume Upload, Data Volume Download, Data Sensitivity Classification, internet Protocol, internet Port, And internet Access History, Login IP Address, Login Type, Login Failed, Login Successful, Number Of Times A User Was Suspended, Number Of Times A User Was Suspended Due To Spam Relay, Number Of Times A User Was Suspended Due To Spam, Number Of Times A User Was Suspended Due To Suspicious Activity, Device Name, Device Operating System, Days Since First Sync, Days Since Last Sync, Device Status, Device Type, Device Model, Device Account Registration Changed, Device Action Event, Device Compliance Status, Device Compromise Status, Device Ownership Change, Device Operating System Updated, Device Settings Changed, Device Failed Screen Unlock Attempts, Device Status Changed On Apple Portal, Device User Signed Out, Device Suspicious Activity Detected, Device Work Profile Supported, Two-Factor Authentication Disabled, Two-Factor Authentication Enrolled, Account Password Changed, Account Recovery Email Changed, Account Recovery Phone Number Changed, Account Recovery Secret Question Changed, Account Recovery Secret Answer Changed, Account Password Leak Suspected, Account Suspicious Login Blocked, Account Suspicious Login From Less Secure App Blocked, Suspicious Programmatic Login Blocked, User Suspended, User Suspended (Spam Through Relay), User Suspended (Spam), User Suspended (Suspicious Activity), Account Enrolled In Advanced Protection, Account Unenrolled In Advanced Protection, Account Targeted By Government-Backed Attack, Out Of Domain Email Forwarding Enabled, Login Challenge Question Presented, Login Verification Presented, Log Out, Secure Shell Public Key Added, Secure Shell Public Key Deleted, Secure Shell Public Key Retrieved, Secure Shell Public Key Updated, Login Profile Retrieved, POSIX Account Deleted, Application Method Called, Application Access Authorized, Application Access Revoked, Device Compromised, Failed Password Attempts On User Device, Device Property Changed.

3. *Productivity Analytics Records:* Records relating to the gathering, analysis, review, and investigation of information system utilization, including; Calendar Appointments, Email Read Rate, Email Response Rate, Operating System Activity History, Email Timestamp, Statements Made In Email Body, Email Sender, Email Recipient, Email Subject Line, Calendar Event Type, Calendar Event Status, Calendar Event Category, Calendar Event Subject, Calendar Event Duration, Calendar Event Attendees, Meeting Organizer, Meeting Invitees, Meeting Subject Line, Meeting Scheduled Time, Meeting Attendee Status, Meeting Scheduled Location, Web Call Organizer, Web Call Invitees, Web Call Scheduled Time, Web Call Joined Time, Web Call Duration, Web Call Status, Web Call Join Status, Number Of Collaborative Audio Calls Made, Number Of Collaborative Video Calls Made, Chat Initiator, Chat Recipient, Chat IM Sent Time, Number Of Cloud-Based Personal Storage Documents Worked On, Number Of Cloud-Based Enterprise Storage Documents Worked On, Device Name, Chat Assistant Conversation Records, Chat Assistant Usage Metrics, Chat Assistant User Data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1. through 9. apply. In addition:

a. To appropriate agencies, entities, and persons when (1) the Postal Service suspects or has confirmed that there has been a breach of the system of records; (2) the Postal Service has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Postal Service (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Postal Service's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

RECORD SOURCE CATEGORIES:

Employees; contractors; customers.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

1. Records relating to information system access are retrievable by name, email address, username, geolocation data, and ACE ID.

2. Records relating to security analysis are retrievable by name, unique user ID, email address, geolocation data, IP address and computer name.

3. Records relating to productivity are retrievable by name, email address, and ACE ID.

4. Records relating to third-parties are retrievable by name, email address, user name, and IP address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Records relating to information system access are retained twenty-four months after last access.

2. Records relating to security analysis are retained for twenty-four months.

3. Records relating to productivity are retained for twenty-four months.

4. Records relating to third-parties are retained for twenty-four months.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Computer access is limited to authorized personnel with a current security clearance, and physical access is limited to authorized personnel who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by encryption, mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

NOTIFICATION PROCEDURE:

Customers wanting to know if other information about them is maintained in this system of records must address inquiries in writing to the Chief Information Officer and Executive Vice President and include their name and address.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures above.

EXEMPTION(S) PROMULGATED FROM THIS SYSTEM:

None.

HISTORY:

April 3, 2025; 90 FR 14666; May 10, 2021; 86 FR 24907.

SYSTEM NAME AND NUMBER:

550.100 Commercial Information Technology Resources—Applications.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

All USPS facilities and contractor sites.

SYSTEM MANAGER(S) AND ADDRESS:

For records of computer access authorizations: Chief Information Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To provide event registration services to USPS customers, contractors, and other third parties.

2. To allow task allocation and tracking among team members.

3. To allow users to communicate by telephone, instant-messaging, and email through local machine and web-based applications on desktop and mobile operating systems.

4. To share your personal image via your device camera during meetings and web conferences, if you voluntarily choose to turn the camera on, enabling virtual face-to-face conversations.

5. To provide for the creation and storage of media files, including video recordings, audio recordings, desktop recording, and web-based meeting recordings.

6. To provide a collaborative platform for viewing video and audio recordings.

7. To create limited use applications using standard database formats.

8. To review distance driven by approved individuals for accurate logging and compensation.

9. To develop, maintain, and share computer code.

10. To comply with Security Executive Agent Directive (SEAD) 3 requirements for self-reporting of unofficial foreign travel pertaining to covered individuals who have access to classified information or who hold a sensitive position.

11. To administer and maintain a secure board portal software that provides leadership with instant access to information they need before, during and after meetings, making board and committee interactions more efficient and productive by promoting collaboration and information sharing among USPS Board of Governors (BOG) and Executive Leadership Team (ELT).

12. To facilitate the software component of USPS-sponsored voluntary mentorship programs.

13. To support the administration of policy creation and revision applications.

14. To provide oversight data for eCommerce application access.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Individuals with authorized access to USPS computers, information resources, and facilities, including employees, contractors, business partners, suppliers, and third parties.

2. Individuals participating in web-based meetings, web-based video conferencing, web-based communication applications, and web-based collaboration applications.

3. USPS Board of Governors, administrators, and USPS Executive Leadership Team.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. *Third-Party Information Records:* Records relating to non-Postal, third-party individuals utilizing an information system, application, or piece of software, including: Third-Party Name, Third Party Date Request, Third Party Free Text, Guest User Information.

2. *Collaboration Application Records:* Records relating to web-conferencing and web-collaboration applications, including; Collaborative Group Names, Collaborative Group IDs, Action Name, Number Of Actions Sent, Number Of Action Responses, Employee Phone Number, Collaborative Group Chat History, Profile Information, Collaborative Group Membership, Contacts, Project Owner, Project Creator, Event Start Time, Event Status, Event Organizer, Event Presenter, Event Producer, Event Production Type, Event Recording Setting, Total Number Of Event Media Viewings, Number Of Active Users, Number Of Active Users In Collaborative Groups, Number Of Active Collaborative Group Communication Channels, Number Of Messages Sent, Number Of Calls Participated In, Last Activity Date Of A User, Number Of Guest Users In A Collaborative Group, Event Name, Event Description, Event Start Date, Event End Date, Video Platform Group Name, Video Platform Group Email Alias, Video Platform Group Description, Video Platform Group Classification, Video Platform Group Access Level, Video Platform Channel Name, Video Platform Channel Description, Video Platform Channel Access, Video

Platform Live Event Recording, Total Number Of Video Conferences, Add Room Member To Collaborative Group, Attachment Downloaded From Collaborative Group, Attachment Uploaded From Collaborative Group, Direct Message Started From Collaborative Group, Invite Sent From Collaborative Group, Message Edited From Collaborative Group, Message Posted In Collaborative Group, Remove Room Member From Collaborative Group, Room Created In Collaborative Group, Add Service Account Permission To Enterprise Collaborative Group, Remove Service Account Permission To Enterprise Collaborative Group, Added User To Enterprise Collaborative Group, Added User Role To Enterprise Collaborative Group, Removed User From Enterprise Collaborative Group, Request To Join Enterprise Collaborative Group, Approve Join Request From Enterprise Collaborative Group, Reject Join Request From Enterprise Collaborative Group, Invite User To Enterprise Collaborative Group, Accept Invitation For Enterprise Collaborative Group, Reject Invitation For Enterprise Collaborative Group, Revoke Invitation For Enterprise Collaborative Group, Join Enterprise Collaborative Group, Ban User Including With Moderation In Enterprise Collaborative Group, Unban User From Enterprise Collaborative Group, Add All Users In Domain For Enterprise Collaborative Group, Create Group In Enterprise Collaborative Group, Delete Group In Enterprise Collaborative Group, Create Namespace In Enterprise Collaborative Group, Delete Namespace In Enterprise Collaborative Group, Change Info Setting In Enterprise Collaborative Group, Add Info Setting In Enterprise Collaborative Group, Remove Info Setting In Enterprise Collaborative Group, Add Member Role In Enterprise Collaborative Group, Remove User Role In Enterprise Collaborative Group, Membership Expiration Added In Enterprise Collaborative Group, Membership Expiration Removed In Enterprise Collaborative Group, Membership Expiration Updated In Enterprise Collaborative Group, ACL Permission Changed In Collaborative Group, Collaborative Group Invitation Accepted, Join Request Approved, User Joined Collaborative Group, User Requested To Join Collaborative Group, Collaborative Group Basic Setting Changed, Collaborative Group Created, Collaborative Group Deleted, Collaborative Group Identity Setting Changed, Collaborative Group Info Setting Added, Collaborative Group Info Setting Changed, Collaborative Group Info Setting Removed, Collaborative Group New Member Restriction Changed, Collaborative Group Post Reply Settings Changed, Collaborative Group Spam Moderation Settings Changed, Collaborative Group Topic Setting Changed, Collaborative Group Message Moderated, User Posts Will Always Be Posted, User Added To Collaborative Group, User Banned From Collaborative Group, User Invitation Revoked From A Collaborative Group, User Invited To Collaborative Group, User Join Request Rejected From A Collaborative Group, User Reinvited To Collaborative Group, User Removed From Collaborative Group, Call Event Abuse Report Submitted, Call Event Endpoint Left, Call Event Livestream Watched, Individual Form Response, Form Respondent Email Address, Whiteboard Software Updated, Whiteboard Reboot Requested, Whiteboard Export Requested, Attachment Deleted, Attachment Uploaded, Note Content Edited, Note Created, Note Deleted, Note Permissions Edited.

3. *Communication Application Records:* Enterprise Social Network User Name, Enterprise Social Network User State, Enterprise Social Network User State Change Date, Enterprise Social Network User Last Activity Date, Number Of Messages Posted By An Enterprise Social Network User In Specified Time Period, Number Of Messages Viewed By An Enterprise Social Network User, Number Of Liked Messages By An Enterprise Social Network User, Products Assigned To A Enterprise Social Network User, Home Network Information, External Network Information, External Network Name, External Network Description, External Network Image, Network Creation Date, Network Usage Policy, External Network User Name, External Network User Email Address, External Group Name, Number Of Users On A Network, Network ID, Live Event Video Links, Files Added Or Modified In Enterprise Social Network, Message ID, Thread ID, Message Privacy Status, Full Body Of Message, Chat User Action, Chat Room Member Added, Chat Attachment Downloaded, Chat Attachment Uploaded, Chat Room Blocked, Chat User Blocked, Chat Direct Message Started, Chat Invitation Accepted, Chat Invitation Declined, Chat Invitation Sent, Chat Message Edited, Chat Message Posted, Chat Room Member Removed, Chat Room Created.

4. *Multimedia Records:* Records relating to media associated with or originating from an information system, including; Video Platform User ID, Video Name, Videos Uploaded By User, Videos Accessed By User, Channels Created By User, User Group Membership, Comments Left By User On Videos, Screen Recordings, Video Transcript, Deep Search Captions, Video Metadata, Audio Metadata, Phone Number, Time Phone Call Started, User Name, Call Type, Phone Number Called To, Phone Number Called From, Called To Location, Called From Location, Telephone Minutes Used, Telephone Minutes Available, Charges For Use Of Telephone Services, Currency Of Charged Telephone Services, Call Duration, Call ID, Conference ID, Phone Number Type, Blocked Phone Numbers, Blocking Action, Reason For Blocking Action, Blocked Phone Number Display Name, Date And Time Of Blocking, Call Start Time, User Display Name, SIP Address, Caller Number, Called To Number, Call Type, Call Invite Time, Call Failure Time, Call End Time, Call Duration, Number Type, Media Bypass, SBC FQDN, Data Center Media Path, Data Center Signaling Path, Event Type, Final SIP, Final Vendor Subcode, Final SIP Phrase, Unique Customer Support ID.

5. *Limited Use Application Records:* Records relating to applications with a specific, limited use, including; Application Authoring Application Name, Application Authoring Application Author, Voice Search Text Strings, Miles Driven, Mileage Rates, Country Currency, Destination, Destination Classification, Car Make, Car Model, Working Hours, Total Number Of Monthly Drives, Total Number Of Monthly Miles, Total Number Of Personal Drives, Total Number Of Personal Drives, Users Allowed To Access Application, Application Authoring Application Security Settings, Total Number Of Cloud-Based Searches Performed, Total Number Of Cloud-Based Search Queries From Web Browsers, Total Number Of Cloud-Based Search Queries From Android Operating Systems, Total Number Of Cloud-Based Search Queries From iOS Operating Systems, Data Visualization Report Email Delivery Added, Data Visualization Asset Created, Data Visualization Data Exported, Data Visualization Asset Deleted, Data Visualization Report Downloaded, Data Visualization Asset Edited, Data Visualization Asset Restored, Data Visualization Report Email Delivery Stopped, Data Visualization Asset Trashed, Data Visualization Report Email Delivery Updated, Data Visualization Asset Viewed, Data Visualization Link Sharing Access Type Changed, Data Visualization Link Sharing Visibility

Changed, Data Visualization User Sharing Permissions Changed.

6. *Development Records:* Records relating to applications used for the creation, sharing, or modification of software code, including: Data Repository User ID, Data Repository Password, Data Repository User Address, Data Repository Payment Information, Data Repository User First Name, Data Repository User Last Name, Data Repository Profile Picture, Data Repository Profile Biography, Data Repository Profile Location, Data Repository User Company, Data Repository User Preferences, Data Repository User Preference Analytics, Data Repository Transaction Date, Data Repository Transaction Time, Data Repository Transaction Amount Charged, Data Repository web pages Viewed, Data Repository Referring website, Data Repository Date Of web page Request, Data Repository Time Of web page Request, Data Repository User Commits, Data Repository User Commit Comment Body Text, Data Repository Pull Request Comment Body Text, Data Repository Issue Comment Body Text, Data Repository User Comment Body Text, Data Repository User Authentication, Language Of Device Accessing Data Repository, Operating System Of Device Accessing Data Repository, Application Version Of Device Accessing Data Repository, Device Type Of Device Accessing Data Repository, Device ID Of Device Accessing Data Repository, Device Model Of Device Accessing Data Repository, Device Manufacturer Of Device Accessing Data Repository, Browser Version Of Device Accessing Data Repository, Client Application Information Of Device Accessing Data Repository, Data Repository User Usage Information, Data Repository Transactional Information, Data Repository API Notification Status, Data Repository API Issue Status, Data Repository API Pull Status, Data Repository API Commit Status, Data Repository API Review Status, Data Repository API Label, Data Repository API User Account Signin Status, Data Repository API Schedule Status, Data Repository API Schedule List.

7. *Unofficial Foreign Travel Monitoring:* Records relating to covered individuals for the administration of the SEAD 3 program, including: Title, Name Of Traveler, Information Type: Pre-Travel And Post-Travel, Start Date Of Travel, End Date Of Travel, Carrier Of Transportation, Countries You Are Visiting, Passport Number, Passport Expiration Date, Names And Association Of Foreign National Travel Companions, Planned Foreign Contacts, Emergency Contact Name, Emergency Contact Phone Number, Emergency Contact Relationship, Post-Travel Questions Relating To Activity, Events, And Interactions.

8. *Cloud-Based Storage Records:* Records relating to activity within cloud-based storage systems, including: Number Of Files Made Publicly Available, Number Of Files Made Available With A Link, Number Of Files Shared With Domain Users, Number Of Files Shared With Domain Users Through Link, Number Of Files Shared With Users Outside Domain, Number Of Files Shared With User Or Group In Domain, Number Of Files Not Shared At All, Number Of Spreadsheet Documents Added, Number Of Text Documents Added, Number Of Presentation Documents, Number Of Form Documents Added, Number Of Other Files Added, Number Of Files Edited, Number Of Files Viewed, Number Of Files Added, Total Cloud Storage Space Used, Last Time Storage Accessed By User, Item Added To Folder, Item Approval Cancelled, Comment Added On Approval Of Item, Due Date Time Change Requested, Item Approval Requested, Reviewer Change Requested For Item Approval, Item Approval Reviewed, Document Copy Created, Document Created, Document Deleted, Document Downloaded, Document Shared As Email Attachment, Document Edited, Label Applied, Label Value Changed, Label Removed, Item Locked, Item Moved, Item Previewed, Item Printed, Item Removed From Folder, Item Renamed, Item Restored, Item Trashed, Item Unlocked, Item Uploaded, Item Viewed, Security Update Applied To File, Security Update Applied To All Files In Folder, Publish Status Changed, Editor Settings Changed, Link Sharing Access Type Changed, Link Sharing Access Changed From Parent Folder, Link Sharing Visibility Changed, Link Sharing Visibility Changed From Parent Folder, Security Update Removed From File, Membership Role Changed, Shared Storage Settings Changed, Spreadsheet Range Enabled, User Sharing Permissions Changed, User Sharing Permissions Changed From Parent Folder, User Storage Updated, File Viewed, File Renamed, File Created, File Edited, File Previewed, File Printed, File Updated, File Deleted, File Uploaded, File Downloaded, File Shared.

9. *Email Application Records:* Records relating to regular use of email applications, including: Email Body Text, Email Metadata, Total Number Of Emails Sent, Total Number Of Emails Received, Total Number Of Emails Sent And Received, Last Time User Accessed Email Client Through A Post Office Protocol (POP) Mail Server, Last Time User Accessed Email Client Through An internet Message Access Protocol (IMAP) Mail Server, Last Time User Accessed Through Web-Based Server, Total Email Client Storage Space Used, Calendar Access Level(S) Changed, Calendar Country Changed, Calendar Created, Calendar Deleted, Calendar Description Changed, Calendar Location Changed, Calendar Time zone Changed, Calendar Title Changed, Calendar Notification Triggered, Calendar Subscription Added, Calendar Subscription Deleted, Calendar Event Created, Calendar Event Deleted, Calendar Event Guest Added, Calendar Event Guest Auto-Response, Calendar Event Guest Removed, Calendar Event Guest Response Changed, Calendar Event Modified, Calendar Event Removed From Trash, Calendar Event Restored, Calendar Event Start Time Changed, Calendar Event Title Modified, Successful Availability Lookup Of A Calendar Between Email Clients, Successful Availability Lookup Of Email Client Resource, Successful Email Client Resource List Lookup, Unsuccessful Availability Lookup Of A Calendar On Email Client, Unsuccessful Availability Lookup Of Email Client Resource, Unsuccessful Email Client Resource List Lookup.

10. *Web Browser Records:* Records relating to activity within a web browser, including: Web Browser Password Changed, Web Browser Password Reused, Malware Detected in Transferred Content for User, Sensitive Data Detected In Transferred Content, Unsafe website Visit Detected For User.

11. USPS Board of Governors name, email, and collaborative meeting records used to store meeting material such as presentations, briefing documents/ memos, meeting minutes/notes, and responses to various board inquiries, presentation briefing documents, and memos.

12. *Mentorship Application Information:* Match Data Stored About A User, Program Membership Status, Program Eligibility, Program Enrollment Date, Program Participation Preference, Mentor/Mentee Capacity, Preferred Mentors, Accepting New Matches Status, Recommended Mentors, Declined Recommendation Reason, Active Mentor/Mentee/Peer Relationships, Relationship Start/End Date, User Who Requested The Relationship, Relationship Status, Action Item/Checklist Item Progress, Mentorship Agreements, Pairing Health, Mentor/Mentee/Peer Relationship Requests, Mentor/Mentee/Peer

Relationship Extension Requests, Mentor/Mentee/Peer Request Introduction Notes, Mentor/Mentee/Peer Request Preferred Match Duration, Past Mentor/Mentee/Peer Relationships, Active Group Membership As A Mentor/Mentee/Peer, Group Name, Group Start/End Date, Group Status, Past Group Membership As A Mentor/Mentee/Peer.

13. *Mentoring Session Data Stored for A User:* Status, Default Admin Agenda, Custom User Agenda, Start/End Date Time, Mentee/Mentor Feedback, 1–4 Star Rating, Free Text Session Feedback, Private Session Notes, Shared Session Notes, User Booking Session, Session Calendar Event And Videoconferencing Details, Session Attendance, Session Topics.

14. *Program Survey Data Stored for A User:* Survey Status, Custom Admin Supplied Question Responses, Program Admin Data, Reporting Column Preferences, Program Admin Support Contact.

15. *Policy Document Report Records:* Document Title, Reference Number, Document Category, Related Documents, Document Content, Document Owner, Document Issue Date, Document Availability, Related Policy, Summary of Major Changes, Executive Leadership Team (ELT) Sponsor.

16. *Policy Crosswalk and Accountability Records:* Former Language, Revised Language Document, Revised Language Location in Document, Reason for Change, Anticipated Impact on Bargaining Employees, Decision Approver, Date of Decision.

17. *Policy Document Approval Records:* Active Approval Query, Approval, Approval For, Approval Journal Column, Approval source, Approver Reference, Approving Document ID, Comments, Created Date, Created By, Deferral Reason, Due date, Domain, Domain Path, Expected start, GRC approval level, Group, Iteration, Level, Order, Policy Name, Process step, Register account, Register email, Register name, Rejection Reason, Source table, State binding, System State, Status, Sys ID,Updated Date, Updated By, Updates, Users, Workflow activity.

18. *Policy Document Table Records:* Active, Additional comments, Additional information, Allow users to decline, Allow users to request exceptions, Approval method, Approval rule, Approvers, Attestation, Audience, Category, Class, Classification, Compliance score (%), Connect document, Created Date/Time, Created By, Day of the month, Day of week, Description, Document Contributors, Document text, Domain, Domain Path, Enable redlining, First Acknowledgement Date, Frequency, Functional domain, Has downstream controls, Imported, Published policy, Last sync date, Maximum exception duration (days), Policy Name, Next Acknowledgement Date, Policy Number, Number of days to respond, Owner, Owning group, Parent, Policy categories, Policy knowledge base, Policy Template, Provider, Publish count, Redlining state, Reference Material URL, Reviewers, Source, Source ID, Source last modified Date, Source release version, Source version, State, Sys ID, Type, Updated Date, Updated By, Updates, Valid from Date, Valid to Date, 508 Compliance Specialist, Corporate Policy Management, Crosswalk,Deputy PMG/Chief Human Resources Officer, Document Lead, Document Link URL, Document Owner(s), ELT Alignment, Executive Leadership Team, Executive Leadership Team (ELT) Sponsor, General Counsel, Labor Relations Point of Contact, Law Department Point of Contact, Notice of Retirement URL, PMG/Delegates List, Reference ID, Sharepoint Folder URL, Track Changes Document URL, VP Alignment.

19. *Compliance Request Table Record:* Active, Activity Due Date, Additional assignee List, Additional comments, Additional source, Allowed groups, Allowed users, Approval, Approval Date, Approval History, Approved on Date, Approvers, Assigned To, Assignment Group, Attachment, Business Application, Business Duration, Business Service, Case closure SLA, Closed Date, Closed By, Comments And Work Notes, Company, Confidential True/False, Configuration Item, Contact Type, Contract, Correlation Display, Correlation ID, Created Date, Created By, Date Submitted, Delivery Plan, Delivery Task, Description, Domain, Due Date, Duration, Effective number, Date Due, Determination, Escalation, Expected Start Date, Follow Up Date, Group List, Impact, Impacted business unit, Impacted department, Knowledge, Location, Made SLA True/False, Number, Opened By, Order, Parent, Primary entity, Priority, Product CI, Reassignment Count, Rejected on Date, Rejection Goto, Requested on behalf of, Resolved, Reviewers, Service, Service CI, Service offering, Short Description, Skills, SLA Due, Source, Source record, Source table, Start Date, State model, Status, Sub-location, Sub-type, Substate, Sys ID, Task Type, Template, Time Worked, Transfer reason, Type, Universal Request, Updated, Updated By, Updates, Upon Approval, Upon Reject, Urgency, User Input, Variables, Watch List, Work Notes, Work Notes List, Workflow Activity.

20. *Policy Document Action Task Records:* Accepted date, Active, Activity Due Date, Additional assignee list, Additional Comments, Approval, Approval Date, Approval History, Assessment Template, Assigned To, Assignment Group, Attachment, Business Application, Business Duration, Business Service, Closed Date, Closed By, Comments And Work Notes, Company, Configuration Item, Contact Type, Contract, Correlation Display, Correlation ID, Created Date, Created By, Date, Delivery, Delivery Task, Description, Domain, Domain Path, Due date, Duration, Effective number, Due Date, Escalation, Expected Start Date, Follow Up Date, Group List, Impact, Is data present, IT asset, Knowledge, Location, Made SLA, Number, Observations, Opened By, Order, Origin, Parent, Priority, Product CI, Reassignment Count, Rejection Goto, Resolved Note, Service, Service CI, Service offering, Short Description, Skills, SLA Due Date, Start Date, State model, Status, Sys ID, Task Type System, Template,Time Worked, Transfer, Type, Universal Request, Updated Date, Updated, Updates, Upon Approval, Upon Reject, Urgency, User Input, Variables, Document Reviewer Watch List, Work Notes, Work Notes, Workflow Activity, Approval Notification, Capture function or administrative realignments, Capture organizational title changes, Clarify ''must-do's'' and reduce low value-added work, Clarify roles and responsibilities, Comply with statutory, regulatory, contractual changes, or audit recommendation, Consolidate in parts into another document; rest can be retired, Define purpose, scope and audience for new policy, process or procedure, Determine related documents, and if they need to be created or updated, Determine roles and responsibilities for new policy, process or procedure, Enhance strategic alignment or close gap to commercial or other best practice, Establish only ''must do's'' and guardrails in new policy, process or procedure, Insert details or examples, Insert details or examples, and list sections, Insert name(s) of document(s) that supersede this document, Interdependencies with other policies or related documents, List document(s) name(s) and list all parts that were, Major modifications to document, Major risks and mitigation, Movement of content from another document, Obsolete in its entirety, Other, Rationale for Update, Retire, or New, Reflect operational or

technological changes, Select the required level of change to the document, Separate policy and process instructions, Streamline and simplify structure and language, Summary of current policy or related document, or a proposed new document, Supersedes in its entirety by another policy, process or procedure, Value generated through Updated, Retired, or New document.

21. *Document Task Records:* Active, Activity Due Date, Additional assignee list, Additional comments, Approval, Approval Date, Approval History, Assigned To, Assignment Group, Attachment, Business Application, Business Duration, Business Service, Closed Date, Closed By, Comments And Work Notes, Company, Configuration Item, Contact Type, Contract, Correlation Display, Correlation ID, Created Date, Created By, Date Submitted, Delivery Plan, Delivery Task, Description, Domain, Due date, Duration, Effective number, Date due, Escalation, Expected Start Date, Follow Up Date, Group List, Impact, Knowledge, Location, Made SLA, Number, Opened By, Order, Parent, Priority, Product, Reassignment Count, Rejection Goto, Resolved Note, Service, Service CI, Service offering, Short Description, Skills List, SLA Due Date, Start Date, Status, Sys ID, Task Type, Template, Time Worked, Transfer reason, Universal Request, Updated Date, Updated By, Updates, Upon Approval, Upon Reject, Urgency, User Input, Variables, Watch List, Work Notes, Work Notes List, Workflow Activity, Action item, Date Briefing Occurred, Document task type, Document Title.

22. *Related Area Update Records:* Case, Created Date, Created By, Description, Domain, Domain Path, Related Area, Related area table, Related area type, Sys ID, Title, Type, Updated Date, Updated By, Updates.

23. *eCommerce Application Oversight Records:* User Email Address, User ACE Credentials, Event Timestamp, Managed Host Domain, Managed Application ID, Managed web page, Script/Header Status Updated, Script/Header Note Created, Script Justification Created/Updated/Deleted, Policy Rule Created/Activated/Modified/Archived, Policy Rule Priority Set/Changed, Script/Action/Incident Added/Removed From Allow/Deny List, Incident Moved to Under Review, Email Integration Created/Updated/Deleted, 3rd Party Tool Integration Created/Updated/Deleted, API Token Created/Deleted, Alert Group Created/Updated/Deleted, Account Created/Updated/Deleted, User Created/Updated/Deleted, User Role Assigned/Changed/Deleted, Custom Role Created/Updated/Deleted, Vendor Tag Created/Updated/Deleted.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1. Through 9. Apply. In addition:

a. To appropriate agencies, entities, and persons when (1) the Postal Service suspects or has confirmed that there has been a breach of the system of records; (2) the Postal Service has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Postal Service (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Postal Service's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

RECORD SOURCE CATEGORIES:

Employees; contractors; customers; USPS Board of Governors.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

1. Records relating to third-parties are retrievable by name and email address.
2. Records relating to collaboration are retrievable by name, email address, and user ID.
3. Records relating to communication are retrievable by name, email address, and user ID.
4. Records pertaining to multimedia are retrievable by username and media title.
5. Records relating to application development are retrievable by user ID and application name.
6. Records relating to limited use applications are retrievable by name, email address, and user ID.
7. Records relating to Unofficial Foreign Travel Monitoring for covered individuals are retrievable by name.
8. Records relating to Cloud-based storage are retrievable by name, email address, and user ID.
9. Records relating to Email Applications are retrievable by name, email address, and user ID.
10. Records relating to Web Browsers are retrievable by name, email address, and user ID.
11. USPS Board of Governors secure board portal collaboration software data is retrievable by date, meeting information, committee name, and other session collaboration details.
12. Records relating to mentorship programs are retrievable by mentee name

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Records relating to third parties are retained for twenty-four months.
2. Records relating to collaboration are retained for twenty-four months.
3. Records relating to communication are retained for twenty-four months.
4. Multimedia recordings are retained for twenty-four months.
5. Records relating to application development are retained for twenty-four months.
6. Records relating to limited use applications are retained for twenty-four months.
7. Records relating to Unofficial Foreign Travel Monitoring for covered individuals are retained for twenty-five years.
8. Records relating to Cloud-based storage are retained for twenty-four months.
9. Records relating to Email Applications are retained for twenty-four months.
10. Records relating to Web Browsers are retained for twenty-four months.
11. USPS Board of Governors secure board portal collaboration software data is retained up to twelve months from the close of the corresponding event.
12. Records relating to mentorship programs are retained for twenty-four months.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Computer access is limited to authorized personnel with a current security clearance, and physical access is limited to authorized personnel who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by encryption, mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

NOTIFICATION PROCEDURE:

Customers and employees wanting to know if other information about them is maintained in this system of records must address inquiries in writing to the Chief Information Officer and Executive Vice President and include their name and address.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures above.

EXEMPTION(S) PROMULGATED FROM THIS SYSTEM:

None.

HISTORY:

April 16, 2025; 89 FR 26953; December 1, 2023; 88 FR 83981; May 11, 2021; 86 FR 25899; January 31, 2022; 87 FR 4957.

Daria Valan,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2026–00250 Filed 1–8–26; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35862; File No. 812–15826]

AB Private Credit Investors Corporation, et al.

January 6, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: AB Private Credit Investors Corporation, AB Private Lending Fund, AB Private Credit Investors LLC, Equitable Financial Life Insurance Company, Equitable Financial Life Insurance Company of America, certain of their wholly-owned subsidiaries as described in Schedule A to the Application, and certain of their affiliated entities as described in Schedule B to the Application.

FILING DATES: The application was filed on June 3, 2025, and amended on October 3, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 2, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: J. Brent Humphries and Wesley Raper, AB Private Credit Investors LLC, *AltsLegalNotices@alliancebernstein.com;* Leon Hirth, AB Private Credit Investors LLC, 501 Commerce Street, Nashville, TN 37203; Kenneth E. Young, Esq. and Paul S. Stevens, Esq., Dechert LLP, Cira Center, 2929 Arch Street, Philadelphia, PA 19104.

FOR FURTHER INFORMATION CONTACT: Adam Large, Senior Special Counsel, or Deepak T. Pai, Senior Counsel at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' first amended application, filed October 3, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/search/.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00222 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0045]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 19b–4 and Form 19b–4

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*), the Securities and Exchange Commission (SEC or ''Commission'') is soliciting comments on the proposed collection of information.

Section 19(b) of the Act (15 U.S.C. 78s(b)) requires each self-regulatory organization (''SRO'') to file with the Commission copies of any proposed rule, or any proposed change in, addition to, or deletion from the rules of such SRO. Rule 19b–4 implements the requirements of Section 19(b) by requiring the SROs to file their proposed rule changes on Form 19b–4 and by clarifying which actions taken by SROs are subject to the filing requirement set forth in Section 19(b). Rule 19b–4(n) requires a designated clearing agency to provide the Commission advance notice (''Advance Notice'') of any proposed change to its rules, procedures, or operations that could materially affect the nature or level of risks presented by such clearing agency. Rule 19b–4(o) requires a registered clearing agency to submit for a Commission determination any security-based swap, or any group, category, type, or class of security-based swaps it plans to accept for clearing (''Security-Based Swap Submission''), and provide notice to its members of such submissions.

The collection of information is designed to provide the Commission with the information necessary to determine, as required by the Act, whether the proposed rule change is consistent with the Act and the rules thereunder. The information is used to determine if the proposed rule change should be approved, disapproved, suspended, or if proceedings should be instituted to determine whether to approve or disapprove the proposed rule change.

The respondents to the collection of information are SROs (as defined by Section 3(a)(26) of the Act),[1] including national securities exchanges, national securities associations, registered clearing agencies, notice registered securities future product exchanges, and the Municipal Securities Rulemaking Board.

In calendar year 2024, each respondent filed an average of approximately 41 proposed rule changes. Each filing takes approximately 41 hours to complete on average. Thus, the total annual reporting burden for filing proposed rule changes with the Commission is 75,645 hours (41 proposals per year × 45 SROs × 41 hours per filing) for the estimated future number of 45 SROs.[2] In addition to filing their proposed rule changes with the Commission, the respondents also are required to post each of their proposals on their respective websites, a process that takes approximately four hours to complete per proposal. Thus, the total annual reporting burden on respondents to post the proposals on their websites is 7,380 hours (41 proposals per year × 45 SROs × 4 hours per filing) for the estimated future number of 45 SROs. Further, the respondents are required to update their rulebooks, which they maintain on their websites, to reflect the changes that they make in each proposal they file. The total annual reporting burden for updating online rulebooks is 4,496 hours ((1,719 filings per year − 590 withdrawn filings[3] − 5 disapproved filings[4]) × 4 hours). Finally, a respondent is required to notify the Commission if it does not post a proposed rule change on its website on the same day that it filed the proposal with the Commission. The Commission estimates that SROs will fail to post proposed rule changes on their websites on the same day as the filing 17 times a year (across all SROs), and that each SRO will spend approximately one hour preparing and submitting such notice to the Commission, resulting in a total annual burden of 17 hours (17 notices × 1 hour per notice). There are no estimated external costs in connection with informing the Commission of the date on which it posted a proposed rule change on its website (if the posting did not occur on the same day that the SRO filed the proposal with the Commission).

Designated clearing agencies have additional information collection burdens. As noted above, pursuant to Rule 19b–4(n), a designated clearing agency must file with the Commission an Advance Notice of any proposed change to its rules, procedures, or operations that could materially affect the nature or level of risks presented by such designated clearing agency. The Commission estimates, based on historical rulemaking data that each designated clearing agency submitting Advance Notices will each submit two Advance Notices per year, with each submission taking 90 hours to complete. The total annual reporting burden for filing Advance Notices is therefore 720 hours (4 designated clearing agencies × 2 Advance Notices per year × 90 hours per response). The above information collection has an estimated external cost burden. The Commission estimates that each designated clearing agency will require 40 hours of outside legal work to prepare, review, and electronically file each Advance Notice with the Commission. Assuming an hourly cost of $462 for an outside attorney, the total annual cost for the four clearing agencies to meet these requirements will be $147,840 (four designated clearing agencies × two Advance Notice filings per year × 40 hours per response × $462 per hour for an outside attorney).

Designated clearing agencies are required to post all Advance Notices to their websites, each of which takes approximately four hours to complete. For eight Advance Notices, the total annual reporting burden for posting them to respondents' websites is 32 hours (4 designated clearing agencies × 2 Advance Notices per year × 4 hours per website posting). Respondents are required to update the postings of those Advance Notices that become effective, each of which takes approximately four hours to complete. The total annual reporting burden for updating Advance Notices on the respondents' websites is 32 hours (4 designated clearing agencies × 2 Advance Notices per year × 4 hours per website posting). There are no estimated external costs in connection with (i) the posting of Advance Notices on their websites, or (ii) the posting of notices of changes to rules, procedures or operations referred to in Advance Notices.

Pursuant to Rule 19b–4(n)(5), the respondents are also required to provide copies of all materials submitted to the Commission relating to an Advance Notice to the Board of Governors of the Federal Reserve System (''Board'') contemporaneously with such submission to the Commission, which is estimated to take two hours. The total annual reporting burden for designated clearing agencies to meet this requirement is 16 hours (4 designated clearing agencies × 2 Advance Notices per year × 2 hours per response). There are no estimated external costs in connection with the requirement to provide to the Board copies of all materials submitted to the Commission relating to an Advance Notice contemporaneously with such submission to the Commission.

The Commission estimates that two security-based swap clearing agencies will each submit 13 Security-Based Swap Submissions per year, with each submission taking 140 hours to complete resulting in a total annual reporting burden of 3,640 hours (2 respondent clearing agencies × 13 Security-Based Swap Submissions per year × 140 hours per response). Respondent clearing agencies are required to post all Security-Based Swap Submissions to their websites, each of which takes approximately four hours to complete. For 13 Security-Based Swap Submissions, the total annual reporting burden for posting them to the two respondents' websites is 104 hours (2 respondent clearing agencies × 13 Security-Based Swap Submissions per year × 4 hours per website posting). The above information collection has an estimated external cost burden. The Commission estimates that each clearing agency will require 60 hours of outside legal work to prepare, review, and submit a Security-Based Swap Submission. Assuming an hourly cost of $462 for an outside attorney, the total annual cost in the aggregate for the two clearing agencies to meet these requirements will be $720,720 (2 respondent clearing agencies × 13 Security-Based Swap Submissions per year × 60 hours per response × $462 per hour for an outside attorney).

In addition, two clearing agencies that have not previously posted Security-Based Swap Submissions on their websites may need to update their existing websites to post such filings online. The Commission estimates that each of these two clearing agencies

[1] 15 U.S.C. 78c(a)(26).

[2] Currently, there are 42 SROs, though not all of those SROs filed a proposed rule change in 2024. The Commission expects three additional respondents to register during the three-year period for which this Paperwork Reduction Act extension is applicable (one as a registered clearing agency and two as national securities exchanges), bringing the total number of respondents to 45.

[3] For 43 SROs, 274 withdrawn filings equal approximately 6.37 filings per SRO. For 45 SROs, the figure would increase to 293 withdrawn filings.

[4] For 43 SROs, 20 disapproved filings equal approximately 0.47 filings per SRO. For 45 SROs, the figure would increase to 22 disapproved filings.

would spend approximately 15 hours updating their existing websites, resulting in a total one-time burden of 30 hours (2 respondent clearing agencies × 15 hours per website update) or 10 hours annualized over three years. There are no estimated external costs in connection with creating or updating their existing websites in order to provide the capability to post Security-Based Swap Submissions, Advance Notices, or proposed rule changes on their websites.

Respondent SROs will also have to provide training to staff members using the Electronic Form 19b–4 Filing System (''EFFS'') to submit Security-Based Swap Submissions, Advance Notices, and/or proposed rule changes electronically. The Commission estimates that two anticipated national securities exchanges will spend approximately 60 hours training all staff members who will use EFFS to submit Security-Based Swap Submissions, Advance Notices, and/or proposed rule changes electronically, or 20 hours annualized over three years. The Commission also estimates that these newly-registered and anticipated SROs will have a one-time burden of 260 hours to draft and implement internal policies and procedures for using EFFS to make these submissions, or 87 hours annualized over three years. The Commission estimates that each of the 45 respondents will spend 10 hours each year training new compliance staff members and updating the training of existing compliance staff members to use EFFS, for a total annual burden of 450 hours (45 respondent SROs × 10 hours). There are no estimated external costs in connection with (i) drafting and implementing internal policies and procedures relating to using EFFS to submit Security-Based Swap Submissions, Advance Notices, and/or proposed rule changes with the Commission, or (ii) training personnel about the procedures for submitting Security-Based Swap Submissions and/or Advance Notices in electronic format through EFFS.

In connection with Security-Based Swap Submissions, counterparties may apply for a stay from a mandatory clearing requirement under Rule 3Ca–1. The Commission estimates that each clearing agency will submit four applications for stays from a clearing requirement per year and it will take approximately 18 hours to retrieve, review, and submit each application. Thus, the total annual reporting burden for the Rule 3Ca–1 stay of clearing requirement would be 144 hours (2 respondent clearing agencies × 4 stay of clearing applications per year × 18 hours to retrieve, review, and submit the stay of clearing information). The above information collection has estimated external cost burdens. The Commission estimates that a clearing agency will require seven hours of outside legal work to retrieve, review, and submit the information associated with the stay of the clearing requirement. The Commission also estimates that each clearing agency will be required to provide information requested by the Commission in the course of its reviews of five requests for a stay of the clearing requirement. Assuming an hourly cost of $462 for an outside attorney, the total estimated annual cost in the aggregate for the two clearing agencies to meet these requirements will be $32,340 (2 respondent clearing agencies × 5 stay of clearing applications per year × 7 hours per response × $462 per hour for an outside attorney). The Commission also estimates that 100 hours of outside legal counsel would be required by a counterparty to a security-based swap to prepare and submit an application requesting a stay of the clearing requirement. Assuming an hourly cost of $462 for an outside attorney, the total annual cost in the aggregate for the respondent counterparties to meet these requirements will be $369,600 (2 respondent clearing agencies × 4 stay of clearing applications per year × 100 hours per response × $462 per hour for an outside attorney.

Based on the above, the total estimated annual response burden pursuant to Rule 19b–4 and Form 19b–4 is the sum of the total annual reporting burdens for filing proposed rule changes, Advance Notices, and Security-Based Swap Submissions; training staff to file such proposals; drafting, modifying, and implementing internal policies and procedures for filing such proposals; posting each proposal on the respondents' websites; updating websites to enable posting of proposals; updating the respondents' online rulebooks to reflect the proposals that became effective; submitting copies of Advance Notices to the Board; and applying for stays from clearing requirements, which is 92,876 hours. The total estimated external cost burden for the above information collection is $1,270,500.

Compliance with Rule 19b–4 is mandatory. Information received in response to Rule 19b–4 shall not be kept confidential; the information collected is public information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the SEC, including whether the information will have practical utility; (b) the accuracy of the SEC's estimate of the burden imposed by the proposed collection of information, including the validity of the methodology and the assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated, electronic collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by March 10, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: January 7, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00276 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104549; File No. SR–CboeBZX–2025–142]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Amend Rule 11.9(d) To Permit an Intermarket Sweep Order Containing a Time-in-Force Other Than IOC To Be Entered as a Non-Displayed Order

January 6, 2026.

On November 13, 2025, Cboe BZX Exchange, Inc. (''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Rule 11.9(d) to permit an Intermarket Sweep Order containing a time-in-force other than IOC to be entered as a Non-Displayed Order. The proposed rule change was published for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

comment in the **Federal Register** on November 28, 2025.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is January 12, 2026. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, the issues raised therein, and the comments received. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates April 12, 2026, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CboeBZX–2025–142).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00218 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 104242 (November 24, 2025), 90 FR 54833. Comments on the proposed rule change are available at *https://www.sec.gov/comments/sr-cboebzx-2025-142/srcboebzx2025142.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0007]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Rule 13e–3 (Schedule 13e–3)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval. The Commission also is requesting approval from OMB to designate this existing collection of information (OMB Control No. 3235–0007) as a ''common form'' for purposes of PRA submissions[1] because the Board of Governors of the Federal Reserve System uses this information collection (under OMB Control No. 7100–0091).

Rule 13e–3 (17 CFR 240.13e–3) and Schedule 13E–3 (17 CFR 240.13e–100) prescribe the filing, disclosure, and dissemination requirements in connection with certain going private transactions by an issuer or an affiliate. The information required by Rule 13e–3 and Schedule 13E–3 is intended to ensure investors are appropriately informed in connection with certain going private transactions. We estimate that Schedule 13E–3 is filed once per year by approximately 41 issuers annually and that it takes issuers approximately 138.70 hours per response. We estimate that 25% of the 138.70 hours per response is carried internally by the issuer for a total annual reporting burden of 1,422 hours (138.70 hours per response × 25% × 41 responses). We estimate that 75% of the 138.70 hours per response is carried externally by outside professionals retained by the issuer at an estimated rate of $600 per hour for a total annual cost burden of $2,559,015 (138.70 hours per response × 75% × $600 per hour × 41 responses).

[1] *See* ROCIS PRA Module User Guide v. 8.2, at 110–111 (Mar. 2024), available at *https://www.rocis.gov/rocis/viewResources.do* (''A 'common form' is an information collection that can be used by two or more agencies, or government-wide, for the same purpose. The Common Forms Module [in ROCIS] allows a 'host' agency to obtain [OMB] approval of an information collection for use by one or more 'using' agencies. After OMB grants approval, any prospective using agency that seeks to collect identical information for the same purpose can obtain approval to use the 'common form' by providing its agency-specific information to OMB (*e.g.,* burden estimates and number of respondents). . . . The host agency will indicate in the **Federal Register** notices that it is requesting approval of a common form and, if known, identify other agencies that may use the information collection. Both the **Federal Register** notices and the ICR should account only for the burden imposed by the host agency's use of the common form. Once the host agency has received approval from OMB, any agency will be able to request OMB approval for its use of the common form in ROCIS by providing its agency specific information to OMB (e.g., burden estimates and number of respondents). Additional public notice by those agencies will not be required.'').

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Please direct your written comments on this 60-Day Collection Notice to Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg via email to *PaperworkReductionAct@sec.gov* by March 10, 2026. There will be a second opportunity to comment on this SEC request following the **Federal Register** publishing a 30-Day Submission Notice.

Dated: January 7, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00275 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104547; File No. SR–NYSEAMER–2025–76]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the NYSE American Options Fee Schedule To Reflect Certain Central Registration Depository Fees Collected by the Financial Industry Regulatory Authority, Inc.

January 6, 2026.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 29, 2025, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE American Options Fee Schedule (''Fee Schedule'') with respect to certain system fees for the Central Registration Depository (''CRD'' or ''CRD system'') collected by the Financial Industry Regulatory Authority, Inc. (''FINRA''). The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule with respect to certain system fees for use of CRD collected by FINRA.[4] The Exchange proposes to implement the fee change effective January 2, 2026.

FINRA collects and retains certain regulatory fees via CRD for session fees related to continuing education requirements, fees for qualification examinations, and the registration of associated persons of Exchange ATP Holders that are not FINRA members (''Non-FINRA ATP Holders'').[5] CRD fees are user-based, and there is no distinction in the cost incurred by FINRA if the user is a FINRA member or a Non-FINRA ATP Holder.

In 2024, FINRA amended certain fees assessed for use of the CRD system for implementation between 2026 and 2028.[6] The Exchange accordingly proposes to amend the Fee Schedule to mirror these fees assessed by FINRA, which will be implemented concurrently with the amended FINRA fees as of January 2026.[7] Specifically, the Exchange proposes to amend the Fee Schedule to provide that the CRD session fee for the Continuing Education Regulatory Element will be $25 and the CRD fee for the Series 57 examination will be $105.[8] The Exchange also proposes to amend the Fee Schedule to modify the system processing fees charged to Non-FINRA ATP Holders for each registered representative and principal from $70 to the following, based on the number of securities regulators with which each such registered person is registered, excluding registration as an investment adviser representative: [9]

Number of securities regulators	Fee
1 to 5	$70
6 to 20	95
21 to 40	110
41 or more	125

The Exchange notes that the proposed change is not otherwise intended to address any other issues surrounding regulatory fees, and the Exchange is not aware of any problems that ATP Holders would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(4) [11] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed fee change is reasonable because the fees will be identical to those adopted by FINRA as of January 2026 for CRD session fees for continuing education requirements, CRD fees for qualification examinations, and use of the CRD system for each of the member's registered representatives and principals for system processing. The costs of operating and improving the CRD system are similarly borne by FINRA when a Non-FINRA ATP Holder uses the CRD system; accordingly, the fees collected for such use should, as proposed by the Exchange, mirror the fees assessed to FINRA members. In addition, as FINRA noted in amending its fees, it believes that its proposed pricing structure is reasonable and correlates fees with the components that drive its regulatory costs to the extent feasible. The Exchange further believes that the change is reasonable because it will provide greater specificity regarding CRD session fees for certain

[4] CRD is the central licensing and registration system for the U.S. securities industry. The CRD system enables individuals and firms seeking registration with multiple states and self-regulatory organizations to do so by submitting a single form, fingerprint card, and a combined payment of fees to FINRA. Through the CRD system, FINRA maintains the qualification, employment, and disciplinary histories of registered associated persons of broker-dealers.

[5] The Exchange originally adopted fees for use of the CRD system in 2003 and amended those fees in 2013, 2022, 2023, and 2024. *See* Securities Exchange Act Release Nos. 48066 (June 19, 2003), 68 FR 38409 (June 27, 2003) (SR–Amex–2003–49); 68589 (January 4, 2013), 78 FR 2465 (January 11, 2013) (SR–NYSEMKT–2012–89); 93901 (January 5, 2022), 87 FR 1453 (January 11, 2022) (SR–NYSEAMER–2021–48); and 96717 (January 19, 2023), 88 FR 4857 (January 25, 2023) (SR–NYSEAMER–2023–07); 99342 (January 12, 2024), 89 FR 3447 (January 18, 2024) (SR–NYSEAMER–2024–04). While the Exchange lists these fees in its Fee Schedule, it does not collect or retain these fees.

[6] *See* Securities Exchange Act Release No. 93709 [sic] (November 21, 2024), 89 FR 93709 (November 27, 2024) (SR–FINRA–2024–019).

[7] The Exchange notes that it has only adopted the CRD system fees charged by FINRA to Non-FINRA ATP Holders when such fees are applicable. In this regard, certain FINRA CRD system fees and requirements are specific to FINRA members, but do not apply to NYSE American-only ATP Holders. Non-FINRA ATP Holders have been charged CRD system fees since 2001. *See* note 5, *supra.* ATP Holders that are also FINRA members are charged CRD system fees according to Section 4 of Schedule A to the FINRA By-Laws.

[8] The Exchange notes that the Fee Schedule inadvertently reflects outdated fees; the current fee for the Regulatory Element is $18, and the current fee for the Series 57 examination is $80. In the section of the Fee Schedule reflecting CRD fees, the Exchange is also proposing to delete the fee corresponding to ''All Regulatory Element Programs'' and delete the phrase ''if Web-based,'' as the Regulatory Element is now only web-based. The Exchange also proposes a non-substantive change to refer to the ''Continuing Education Regulatory Element Program'' (rather than the ''Regulatory Element Program'') to align with the terminology used by FINRA.

[9] *See* Section (4)(b)(7) of Schedule A to the FINRA By-laws.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78f(b)(5).

continuing education requirements, CRD fees for certain qualification examinations, and the CRD system fees that are applicable to Non-FINRA ATP Holders. All similarly situated ATP Holders are subject to the same fee structure, and every ATP Holder must use the CRD system to complete continuing education requirements and qualification examinations, as well as for registration and disclosure. Accordingly, the Exchange believes that the fees collected for such use should likewise increase in lockstep with the fees assessed to FINRA members, as proposed by the Exchange.

The Exchange also believes that the proposed fee change provides for the equitable allocation of reasonable fees and other charges, and does not unfairly discriminate between customers, issuers, brokers, and dealers. The fees apply equally to all individuals and firms required to report information in the CRD system, and the proposed change will result in the same regulatory fees being charged to all ATP Holders required to report information to CRD and for services performed by FINRA regardless of whether such ATP Holders are FINRA members. Accordingly, the Exchange believes that the fees collected for such use should increase in lockstep with the fees adopted by FINRA as of January 2026, as proposed by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposed change will reflect fees that will be assessed by FINRA as of January 2026 and will thus result in the same regulatory fees being charged to all ATP Holders required to report information to the CRD system and for services performed by FINRA, regardless of whether or not such ATP Holders are FINRA members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and subparagraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2025–76 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2025–76. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2025–76 and should be submitted on or before January 30, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00216 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104546; File No. SR–NYSEARCA–2025–87]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Hashdex Bitcoin ETF Shares

January 6, 2026.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 22, 2025, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Hashdex Bitcoin ETF (the ''Fund''), shares of which are currently listed and traded on the Exchange pursuant to Rule 8.500–E, to list and trade on the Exchange pursuant to Rule 8.201–E (Generic). The proposed rule change is available on the Exchange's website at *www.nyse.com* and at the principal office of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fund, shares of which currently list and trade on the Exchange pursuant to Rule 8.500–E,[4] to list and trade on the Exchange pursuant to Rule 8.201–E (Generic).

The shares of the fund currently list under Rule 8.500–E, which provides for the listing and trading of Trust Units.[5] In order to transition to list and trade on the Exchange pursuant to Rule 8.201–E (Generic), which provides for the generic listing and trading of Commodity-Based Trust Shares, the shares of the Fund (''Shares'') will meet the requirements of Rule 8.201–E (Generic) and will be required to comply with the continued listing requirements set forth in such Rule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b)[6] of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest because it would provide for the transition of the Fund from being listed under Rule 8.500–E to Rule 8.201–E (Generic) instead. The proposed change would allow the Shares to continue listing and trading on the Exchange and permit the Fund to operate in reliance on the generic listing standards in Rule 8.201–E (Generic) instead of the terms of the Original Approval Order, thereby facilitating the continued listing and trading of exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. The Shares will meet the requirements of Rule 8.201–E (Generic) and will be required to comply with the continued listing standards set forth in Rule 8.201–E (Generic).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. As discussed above, the proposed change is intended to facilitate the continued listing and trading of the Shares on the Exchange, thereby promoting competition among exchange-traded products to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(6)[9] thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[12] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[13] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to implement the proposed rule change without delay and does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[4] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (SR–NYSEARCA–2021–90; SR–NYSEARCA–2023–44; SR–NYSEARCA–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SRCboeBZX–2023–044; SR–CboeBZX–2023–072) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (the ''Original Approval Order'').

[5] Trust Units are securities issued by a trust, limited liability company, or other similar entity that, if applicable, is constituted as a commodity pool and that holds investments comprising or otherwise based on any combination of futures contracts, options on futures contracts, forward contracts, swap contracts, commodities, and/or securities.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 240.19b–4(f)(6).

[13] 17 CFR 240.19b–4(f)(6)(iii).

[14] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

Electronic Comments

• Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEARCA–2025–87 on the subject line.

Paper Comments

• Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEARCA–2025–87. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the filing will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEARCA–2025–87 and should be submitted on or before January 30, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00219 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35863; File No. 812–15838]

MML Bay State Life Insurance Company, et al.

January 6, 2026.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order approving the substitution of certain securities pursuant to section 26(c) of the Investment Company Act of 1940 (the ''Act''), and an order of exemption pursuant to section 17(b) from section 17(a) of the Act.

APPLICANTS: MML Bay State Life Insurance Company, MML Bay State Variable Life Separate Account I, and MML Bay State Variable Annuity Separate Account 1 (collectively, the ''Separate Accounts'', and together with MML Bay State Life Insurance Company, the ''Section 26 Applicants), the MML Series Investment Fund and MML Series Investment Fund II (collectively, the ''Section 17 Applicants'' and together with the Section 26 Applicants, the ''Applicants'').

SUMMARY OF APPLICATION: The Section 26 Applicants request an order pursuant to section 26(c) of the Act approving the proposed substitution (the ''Substitution'') of shares of investment portfolios of multiple registered investment companies with shares of investment portfolios of MML Series Investment Fund and MML Series Investment Fund II, respectively, held by the Separate Accounts to fund certain variable life insurance policies and variable annuity contracts. The Section 17 Applicants request an order pursuant to Section 17(b) of the 1940 Act exempting them from Section 17(a) of the 1940 Act to the extent necessary to permit them to engage in certain in-kind transactions in connection with the Substitution.

FILING DATES: The application was filed on June 24, 2025, and amended on November 14, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicants below, or personally or by mail, if a physical address is listed for the relevant Applicants below. Hearing requests should be received by the Commission by 5:30 p.m. on February 2, 2026, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: James Rodolakis, *jrodolakis@massmutual.com,* Massachusetts Mutual Life Insurance Company, 1295 State Street, Springfield, Massachusetts 01111; Thomas E. Bisset, Esq., Eversheds Sutherland (US) LLP, 700 Sixth Street NW, Suite 700, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Toyin Momoh, Senior Counsel, or Rachel Loko, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' amended and restated application, dated November 14, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at, at *https://www.sec.gov/edgar/search/.* You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00230 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35861; File No. 812–15868]

AOG Institutional Fund, et al.

January 6, 2026.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDCs'') and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment entities.

APPLICANTS: AOG Institutional Fund, F.L. Putnam Investment Management Co., and Solomon Funds LLC.

FILING DATES: The application was filed on July 28, 2025, and amended on October 7, 2025 and December 23, 2025.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 2, 2026, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at *Secretarys-Office@sec.gov.*

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Frederick P. Baerenz, AOG Institutional Fund, *fbaerenz@aogfunds.com;* Martin H. Dozier, Alston & Bird LLP, *Martin.Dozier@alston.com.*

FOR FURTHER INFORMATION CONTACT: Thomas Ahmadifar, Branch Chief, or Deepak T. Pai, Senior Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' second amended application, filed December 23, 2025, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/search/.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00210 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104548; File No. SR–NYSE–2025–20]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Withdrawal of a Proposed Rule Change Amending Section 302.00 of the NYSE Listed Company Manual To Exempt Closed-End Funds Registered Under the Investment Company Act of 1940 From the Requirement To Hold Annual Shareholder Meetings

January 6, 2026.

On June 6, 2025, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Section 302.00 of the NYSE Listed Company Manual to exempt closed-end funds registered under the Investment Company Act of 1940 [3] from the requirement to hold annual shareholder meetings. The proposed rule change was published for comment in the **Federal Register** on June 17, 2025.[4]

On July 25, 2025, pursuant to Section 19(b)(2) of the Exchange Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[6] On September 10, 2025, the Commission instituted proceedings under Section 19(b)(2)(B) of the Exchange Act [7] to determine whether to approve or disapprove the proposed rule change.[8] On December 2, 2025, the Commission extended the period for consideration of the proposed rule change to February 12, 2026.[9]

On January 5, 2026, the Exchange withdrew the proposed rule change (SR–NYSE–2025–20).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 80a–1 *et seq.*

[4] *See* Securities Exchange Act Release No. 103244 (June 12, 2025), 90 FR 25659. Comments on the proposed rule change are available at: *https://www.sec.gov/comments/sr-nyse-2025-20/srnyse202520.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 103549, 90 FR 35946 (July 30, 2025). The Commission designated September 15, 2025, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 103931, 90 FR 44425 (Sept. 15, 2025).

[9] *See* Securities Exchange Act Release No. 104286, 90 FR 56211 (Dec. 5, 2025).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00217 Filed 1–8–26; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Small Business Capital Formation Advisory Committee will hold a public meeting on Tuesday, February 24, 2026. The meeting will begin at 10:00 a.m. (ET) and will be open to the public.

PLACE: The meeting will be conducted at the Commission's headquarters, 100 F Street NE, Washington, DC 20549, and by remote means (videoconference). Members of the public may attend in-person or watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTERS TO BE CONSIDERED: The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging businesses and their investors under the federal securities laws.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: January 7, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–00290 Filed 1–7–26; 4:15 pm]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2025–0156]

Privacy Act of 1974; System of Records

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, we are issuing public notice of our intent to modify an existing system of records entitled, Disability Determination Services (DDS) Consultant File (60–0046), last published on January 11, 2006. This notice publishes details of the modified system as set forth below under the caption, **SUPPLEMENTARY INFORMATION**.

DATES: The system of records notice (SORN) is applicable upon its publication in today's **Federal Register**, with the exception of the new routine uses, which are effective February 9, 2026.

We invite public comment on the routine uses or other aspects of this SORN. In accordance with the Privacy Act of 1974, we are providing the public a 30-day period in which to submit comments. Therefore, please submit any comments by February 9, 2026.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Head of Privacy and Disclosure Policy, Law and Policy, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, or through the Federal e-Rulemaking Portal at *https://www.regulations.gov.* Please reference docket number SSA–2025–0156. All comments we receive will be available for public inspection at the above address and we will post them to *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tristin Dorsey, Government Information Specialist, Privacy Implementation Division, Privacy and Disclosure Policy, Law and Policy, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–5855, email: *OGC.OPD.SORN@ssa.gov*, and Melissa Bellitto, Government Information Specialist, Privacy Implementation Division, Privacy and Disclosure Policy, Law and Policy, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–5855, email: *OGC.OPD.SORN@ssa.gov.*

SUPPLEMENTARY INFORMATION: We are modifying the system of records name from ''DDS Consultant File, SSA, Office of Disability Determinations'' to ''DDS Consultative Examination (CE) Provider File'' to accurately reflect the name of the system. We are modifying the system location and system manager to clarify the names of the offices responsible for maintaining the system and to recognize that we may also maintain records in a cloud-based environment. We are clarifying the purpose of the system, categories of individuals covered by the system, categories of records maintained in the system, and record source categories for easier reading.

In addition, we are revising existing routine use Nos. 1, 2, 4, and 7 for easier reading. We are adding six new routine uses that will permit disclosures to the following:

- The Office of the President, for the purpose of responding to an inquiry received;
- The Department of Justice, for investigating and prosecuting violations of the Social Security Act, and investigating issues of fraud or violations of civil rights;
- Federal, State and local law enforcement agencies and private contractors, for the safety and security of SSA employees, customers, and facilities;
- Federal, State, and local professional licensing boards, when such records indicate a violation of ethical conduct by a current or former employee who is seeking to be licensed or is licensed before the professional board;
- A Federal or State agency in response to its request, or at our initiation, in connection with decisions to hire an employee, issue a security clearance, conduct a security or suitability investigation of a person, classify a job, award a contract, or regarding the requesting agency's decision to issue a license, grant, or other benefit; and
- To the U.S. Department of the Treasury, when disclosure of the information is relevant to review SSA's payment and award eligibility through Do Not Pay Working System for the purposes of identifying, preventing or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian tribe) in a state-administered federally funded program. This routine use will be applied when disclosure meets the requirements in 20 CFR 401.150(c).

Lastly, we are expanding the policies and practices for the retrieval of records to include employer identification numbers and the CE provider's Social Security number. We are clarifying the policies and practices for retention and disposal of records to reflect the accurate records schedules. We are modifying the administrative, technical, and physical safeguards for easier reading. We are modifying the notice throughout to correct miscellaneous stylistic formatting and typographical errors of the previously published notice, and to ensure the language reads consistently across multiple systems. We are republishing the entire notice for ease of reference.

In accordance with 5 U.S.C. 552a(r), we provided a report to OMB and Congress on this modified system of records.

Matthew Ramsey,

Head of Privacy and Disclosure Policy, Law and Policy.

SYSTEM NAME AND NUMBER:

Disability Determination Services (DDS) Consultative Examination (CE) Provider File, 60–0046.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Information is located at the Offices of State DDSs (See Appendix B at *https://www.ssa.gov/privacy/sorn/app_b.htm* for more information) who have established a relationship with the individual providing CEs.

Information may also be maintained in a centralized location at: Social Security Administration, Chief Information Officer, National Computer Center, 6401 Security Boulevard, Baltimore, MD 21235–6401.

Information is also located in additional locations in connection with cloud-based services and kept at an additional location as backup for business continuity purposes.

SYSTEM MANAGER(S):

Social Security Administration, Disability Adjudication, National Disability Determination Services, State Disability Services, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–5855.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a), 221, 702(a), 1631(d)(1), and 1633 of the Social Security Act, as amended.

PURPOSE(S) OF THE SYSTEM:

We will use the information in this system in the selection of a qualified consultative examiner or other qualified medical source, when we need additional medical evidence to help us make disability determinations under titles II and XVI of the Social Security Act.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information about individuals who provide CEs for the DDS. This may include a claimant's own medical sources or other qualified individuals who express a willingness to conduct a CE for the DDS, *e.g.,* licensed doctors, psychologists, social workers, nurses, audiologists, and speech/language pathologists.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system maintains information related to individuals who perform CEs. These records include, but are not limited to, name; tax identification number, *e.g.,* Social Security number (SSN) or employee identification number (EIN); address; medical license number and credential information, including license number and expiration date; images of CE provider photo identification cards; documentation as to the timeliness and quality of CE reports, fees received for performing CEs, and results of site visits and other agency oversight activities; federal program exclusion information; and comments on the medical source's preferences, *e.g.,* schedule and appointment hours. This system may also maintain information the DDS may share with SSA concerning investigations of the CE.

RECORD SOURCE CATEGORIES:

We obtain information in this system from qualified medical sources and various local, State, and Federal agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

We will disclose records pursuant to the following routine uses; however, we will not disclose any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC), unless authorized by statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To a congressional office in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record.

2. To the Department of Justice (DOJ), a court or other tribunal, or another party before such court or tribunal, when:

(a) SSA, or any component thereof; or

(b) any SSA employee in the employee's official capacity; or

(c) any SSA employee in the employee's individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) the United States or any agency thereof where SSA determines the litigation is likely to affect SSA or any of its components, SSA is a party to the litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before the tribunal is relevant and necessary to the litigation, provided, however, that in each case, we determine that such disclosure is compatible with the purpose for which the records were collected.

3. To contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs. We disclose information under this routine use only in situations in which we may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

4. To the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906.

5. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of Federal employees, when they are performing work for SSA, as authorized by law, and they need access to personally identifiable information (PII) in SSA records in order to perform their assigned agency functions.

6. To the Secretary of Health and Human Services or to any State, any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if we disclosed records or information of such type under applicable rules, regulations, and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

7. To appropriate agencies, entities, and persons when:

(a) SSA suspects or has confirmed that there has been a breach of the system of records;

(b) SSA has determined that, as a result of the suspected or confirmed breach, there is a risk of harm to individuals, SSA (including its information systems, programs, and operations), the Federal Government, or national security; and

(c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

8. To another Federal agency or Federal entity, when SSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) responding to a suspected or confirmed breach; or

(b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

9. To the Office of the President in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or a third party acting on the subject's behalf.

10. To the DOJ, for the purposes of:

(a) investigating and prosecuting violations of the Act to which criminal penalties attach; and

(b) investigating issues of fraud or violations of civil rights by officers or SSA employees.

11. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) to enable them to protect the safety of SSA employees and customers, the security of the SSA workplace, the operation of SSA facilities, or

(b) to assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operations of SSA facilities.

12. To Federal, State, and local professional licensing boards, at our initiative or at the request of the licensing board, when such records indicate a violation of ethical conduct by a current or former employee who is seeking to be licensed or is licensed before the professional board.

13. To a Federal or State agency in response to its request, or at our initiation, in connection with decisions to hire an employee, issue a security clearance, conduct a security or suitability investigation of a person, classify a job, award a contract, or regarding the requesting agency's decision to issue a license, grant, or other benefit. We may disclose for lawful statutory administrative or investigative purpose to the extent that the information is relevant and necessary to the requesting agency's decision.

14. To the U.S. Department of the Treasury, when disclosure of the information is relevant to review SSA's payment and award eligibility through the Do Not Pay Working System for the purposes of identifying, preventing, or recouping improper payments to an applicant for, or recipient of, Federal funds, including funds disbursed by a state (meaning a state of the United States, the District of Columbia, a territory or possession of the United States, or a federally recognized Indian

tribe) in a state-administered, federally funded program. This routine use will be applied when disclosure meets the requirements in 20 CFR 401.150(c).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

We will maintain records in this system in electronic and paper form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

We will retrieve records by EIN, or the CE provider's name or SSN.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA rules codified at 36 CFR 1225.16, we maintain records in accordance with NARA-approved agency-specific records schedule, N1–047–05–001, and NARA's General Records Schedule (GRS) 5.2, items 010 and 020.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

We retain electronic and paper files containing personal identifiers in secure storage areas accessible only by authorized individuals, including our employees and contractors, who have a need for the information when performing their official duties. Security measures include, but are not limited to, the use of codes and profiles, personal identification number and password, and personal identification verification cards. We restrict access to specific correspondence within the system based on assigned roles and authorized users. We use audit mechanisms to record sensitive transactions as an additional measure to protect information from unauthorized disclosure or modification.

We annually provide authorized individuals, including our employees and contractors, with appropriate security awareness training that includes reminders about the need to protect PII and the criminal penalties that apply to unauthorized access to, or disclosure of, PII (5 U.S.C. 552a(i)(1)). Furthermore, authorized individuals with access to databases maintaining PII must annually sign a sanction document that acknowledges their accountability for inappropriately accessing or disclosing such information.

RECORD ACCESS PROCEDURES:

Individuals may submit requests for information about whether this system contains a record about them by submitting a written request to the system manager at the above address, which includes their name, SSN, or other information that may be in this system of records that will identify them. Individuals requesting notification of, or access to, a record by mail must include: (1) a notarized statement to us to verify their identity; or (2) must certify in the request that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

Individuals requesting notification of, or access to, records in person must provide their name, SSN, or other information that may be in this system of records that will identify them, as well as provide an identity document, preferably with a photograph, such as a driver's license. Individuals lacking identification documents sufficient to establish their identity must certify in writing that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

CONTESTING RECORD PROCEDURES:

Same as record access procedures. Individuals should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with our regulations at 20 CFR 401.65(a).

NOTIFICATION PROCEDURES:

Same as record access procedures. These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

71 FR 1811 (January 11, 2006), DDS Consultant File.

72 FR 69723 (December 10, 2007), DDS Consultant File.

83 FR 54969 (November 1, 2018), DDS Consultant File.

[FR Doc. 2026–00220 Filed 1–8–26; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 12897]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Gothic by Design. The Dawn of Architectural Draftsmanship" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition "Gothic by Design. The Dawn of Architectural Draftsmanship" at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–00234 Filed 1–8–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12896]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Architects of Liberation: Modernism in Western Africa" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Architects of Liberation: Modernism in Western Africa'' at The Museum of Modern Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Stefanie E. Williams,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2026–00235 Filed 1–8–26; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2025–0820]

Parts and Accessories Necessary for Safe Operation; Application for Exemption From Aumovio SE

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA requests public comment on an application for exemption submitted by Aumovio SE [Societas Europaea] (Aumovio), formerly Continental Automotive division, to allow motor carriers to operate commercial motor vehicles (CMV) equipped with Aumovio's ProViu Mirror camera monitor system installed as an alternative to the two rear-vision mirrors required by the Federal Motor Carrier Safety Regulations (FMCSRs).

DATES: Comments must be received on or before February 9, 2026.

ADDRESSES: You may submit comments identified by Docket Number FMCSA–2025–0820 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov/docket/FMCSA-2025-0820/document.* Follow the online instructions for submitting comments.
- *Mail:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Dockets Operations, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Each submission must include the Agency name and the docket number (FMCSA–2025–0820) for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Privacy Act: In accordance with 49 U.S.C. 31315(b), DOT solicits comments from the public to better inform its exemption process. DOT posts these comments, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice DOT/ALL–14 FDMS (Federal Docket Management System (FDMS)), which can be reviewed at *https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices.* The comments are posted without edit and are searchable by the name of the submitter.

FOR FURTHER INFORMATION CONTACT: Mr. David Sutula, Chief, Vehicle and Roadside Operations Division, Office of Carrier, Driver, and Vehicle Safety, FMCSA; (202) 961–1373, or by email at *MCPSV@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2025–0820), indicate the specific section of this document to which your comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *https://www.regulations.gov/docket/FMCSA-2025-0820/document,* click on this notice, click ''Comment,'' and type your comment into the text box on the following screen.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing.

FMCSA will consider all comments and material received during the comment period. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable.

B. Confidential Business Information (CBI)

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to the notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission that constitutes CBI as ''PROPIN'' to indicate it contains proprietary information. FMCSA will treat such marked submissions as confidential under the Freedom of Information Act, and they will not be placed in the public docket of the notice. Submissions containing CBI should be sent to Brian Dahlin Chief, Regulatory Evaluation Division, Office of Policy, FMCSA, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or via email at *brian.g.dahlin@dot.gov.* At this time, you need not send a duplicate hardcopy of your electronic CBI submissions to FMCSA headquarters. Any comments FMCSA receives not specifically designated as CBI will be placed in the public docket for this notice.

C. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* insert FMCSA–2025–0820 in the keyword box, select the document tab and choose the document to review. To view comments, click this notice, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket by visiting Docket Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590—0001, between 9 a.m. and 5 p.m., ET Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from FMCSRs. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the applicant's safety analysis. The Agency must provide an opportunity for public comment on the request.

The Agency reviews the application, safety analyses, and public comments submitted and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved without the exemption, pursuant to the standard set forth in 49 CFR 381.305(a). The Agency must publish its decision in the **Federal Register** (49 CFR 381.315(b)). If granted, the notice will identify the regulatory provision from which the applicant will be exempt, the effective period, and all terms and conditions of the exemption (49 CFR 381.315(c)(1)). If the exemption is denied, the notice will explain the reason for the denial (49 CFR 381.315(c)(2)). The exemption may be renewed (49 CFR 381.300(b)).

III. Applicant's Request

Current Regulatory Requirements

Section 393.80(a) of the FMCSRs requires that each bus, truck, and truck-tractor be equipped with two rear-vision mirrors, one at each side. The mirrors must be positioned to reflect to the driver a view of the highway to the rear and the area along both sides of the CMV. Section 393.80(a) cross-references the National Highway Traffic Safety Administration's standards for mirrors on motor vehicles (49 CFR 571.111, Federal Motor Vehicle Safety Standard (FMVSS) No. 111). Paragraph S7.1 of FMVSS No. 111 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a gross vehicle weight rating (GVWR) greater than 4,536 kg and less than 11,340 kg and each bus, other than a school bus, with a GVWR of more than 4,536 kg. Paragraph S8.1 provides requirements for mirrors on multipurpose passenger vehicles and trucks with a GVWR of 11,340 kg or more.

Applicant's Request

Aumovio has applied for an exemption from § 393.80(a) to allow motor carriers to operate CMVs equipped with the company's ProViu Mirror system installed as an alternative to the two rear-vision mirrors required by the FMCSRs. This technology is generally considered a camera-based rear visibility system, or Camera Monitor System (CMS). According to Aumovio, its system provides an ''expanded field of view compared to FMVSS 111-compliant mirrors. The system thus improves situational awareness and reduces blind spots.''

Aumovio states that its system uses cameras that are mounted higher on the vehicle and extend less from the side of the vehicle, making them less susceptible to impact damage and road spray. The camera lens also includes hydrophobic coating to reduce soil. Because the display screens are inside the cabin, environmental conditions that impact the cabin's windows will not adversely affect the driver's view. In the event the camera-based system malfunctions, becomes damaged, or experiences an environmental condition that could potentially affect safe operation of the vehicle, Aumovio states that the vehicle would be taken out of service and returned after the condition is corrected, in the same manner as a vehicle equipped with traditional mirrors.

Aumovio estimates that, if granted, 50 to 100 CMVs equipped with the ProViu Mirror system will be used initially in proof of concept or demonstration vehicles with key customers. An estimated 100 drivers will have the opportunity to use the system. Future deployment volumes will depend on the outcome of these initial demonstration deployments.

A copy of Aumovio's application for exemption, and all supporting materials, are available for review in the docket for this notice.

IV. Request for Comments

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Aumovio's application for a 5-year exemption from 49 CFR 393.80(a). All comments received before the close of business on the comment closing date will be considered and will be available for examination in the docket at the location listed under the Addresses section of this notice. Comments received after the comment closing date will be filed in the public docket and may be considered to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2026–00273 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2025–0776; PDA–41(R)]

Hazardous Materials: California's Reusability Requirement for Propane Cylinders

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: Interested parties are invited to comment on an application by Worthington Enterprises, Inc. for an administrative determination as to whether Federal hazardous material transportation law preempts the State of California's law requiring that propane cylinders sold or offered for sale in California must be refillable or reusable.

DATES: Comments received on or before February 9, 2026 and rebuttal comments received on or before March 10, 2026 will be considered before an administrative determination is issued by PHMSA's Chief Counsel. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: Worthington Enterprises, Inc.'s application and all comments received may be reviewed in the Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The application and all comments are available on the U.S. Government *Regulations.gov* website: *http://www.regulations.gov.*

Comments must refer to Docket No. PHMSA–2025–0776 and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

A copy of each comment must also be sent to (1) Joseph B. Hayek, President and Chief Executive Officer, Worthington Enterprises, Inc., 200 West Old Wilson Bridge Road, Columbus, OH 43085; and (2) Rob Bonta, Attorney General, The State of California, Office of the Attorney General, 1300 ''I'' Street, Sacramento, CA 95814–2919. A certification that a copy has been sent to these persons must also be included with the comment. (The following format is suggested: ''I certify that copies of this comment have been sent to Mr. Hayek and Mr. Bonta at the addresses specified in the **Federal Register**.'')

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing a comment submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://www.regulations.gov.*

A subject matter index of hazardous materials preemption cases, including a listing of all inconsistency rulings and preemption determinations, is available through PHMSA's home page at *http://phmsa.dot.gov.* From the home page, click on ''Regulations and Compliance,'' then on ''Preemption Determinations'' located on the right side of the page. A paper copy of the index will be provided at no cost upon request to Mr. Horsley, at the address and telephone number set forth in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Adam Horsley, Office of Chief Counsel (PHC–10), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone No. 202–366–4400; facsimile No. 202–366–7041.

SUPPLEMENTARY INFORMATION:

I. Application for a Preemption Determination

Worthington Enterprises, Inc. has applied for a determination whether the Federal hazardous material transportation law (HMTA), 49 U.S.C. 5101 *et seq.,* preempts the State of California's requirements regarding the sale of propane cylinders, as codified in California Public Resources Code, Cal. Pub. Res. Code §§ 42395–42395.2. Specifically, Worthington alleges that the law bans the sale of non-reusable and non-fillable propane cylinders of certain sizes, such as those manufactured by Worthington. On or after January 1, 2028, only reusable or refillable propane cylinders shall be sold or offered for sale in California, meaning cylinders that are explicitly designed and marketed to be utilized multiple times for the same product, designed for durability to function properly in its original condition for multiple uses, and supported by adequate infrastructure to ensure the cylinders can be conveniently and safely reused or refilled multiple times.[1] There are exceptions, including cylinders that are customarily designed for use in the construction industry and have a capacity of less than 15 ounces of fuel; cylinders that have an overall product height-to-width ratio of 3.55 to 1 or greater; and cylinders that are offered to a state or local government agency for purchase pursuant to the U.S. General Services Administrations' State and Local Disaster Purchasing Program or its successor.[2]

Worthington presents two main arguments for why it believes California's law should be preempted. First, Worthington asserts that the HMTA preempts that law's requirement that all propane cylinders of certain sizes be reusable or refillable as not substantively the same as the HMTA or the Hazardous Materials Regulations (HMR) because it is about ''the designing, manufacturing, . . . [or] maintaining'' a ''container'' used for the transportation of hazardous materials, given that propane is classified as a hazardous material under the HMR and California's reusability requirement imposes additional requirements on how cylinders containing propane must be designed and prohibits designs that are authorized by the HMR. Worthington argues that California's law mandates that propane cylinders must be ''explicitly designed'' to be used multiple times. Further, Worthington asserts the law requires propane cylinders to be manufactured in such a way to be durable enough to withstand ''multiple uses.'' Worthington contends this reusability requirement is not substantively the same as the HMTA or HMR because it prohibits single-use cylinder designs expressly authorized by the HMR. Last, Worthington asserts California's propane cylinder reusability requirement is preempted because it is ''an obstacle to accomplishing and carrying out'' the HMTA. Specifically, Worthington argues California's law undermines uniformity in hazardous material regulation by imposing requirements only applicable in California, creates an economic burden on cylinder manufacturers, and undermines the HMTA's safety objectives by taking propane cylinders with a proven safety record off the market.

In summary, Worthington contends California's law requiring that propane cylinders sold or offered for sale in California must be refillable or reusable should be preempted because:

[1] Cal. Pub. Res. Code §§ 42395, 42395.1.

[2] Cal. Pub. Res. Code § 42395.

• It is not substantively the same as federal regulations governing the design, manufacture, and maintenance of cylinders used in transportation of hazardous materials; and

• It is an obstacle to the federal hazardous material transportation legal and regulatory regime.

II. Federal Preemption

Section 5125 of 49 U.S.C. contains express preemption provisions relevant to this proceeding. As amended by Section 1711(b) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2319), 49 U.S.C. 5125(a) provides that a requirement of a State, political subdivision of a State, or Indian tribe is preempted—unless the non-Federal requirement is authorized by another Federal law or DOT grants a waiver of preemption under section 5125(e)—if (1) complying with the non-Federal requirement and the Federal requirement is not possible; or (2) the non-Federal requirement, as applied and enforced, is an obstacle to accomplishing and carrying out the Federal requirement.

These two sentences set forth the ''dual compliance'' and ''obstacle'' criteria that PHMSA's predecessor agency, the Research and Special Programs Administration, had applied in issuing inconsistency rulings prior to 1990, under the original preemption provision in the Hazardous Materials Transportation Act (HMTA). Public Law 93–633 § 112(a), 88 Stat. 2161 (1975). The dual compliance and obstacle criteria are based on U.S. Supreme Court decisions on preemption. *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.,* 435 U.S. 151 (1978).

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not ''substantively the same as'' a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by the Department of Homeland Security. The five subject areas include: the designation, description, and classification of hazardous material; the packing, repacking, handling, labeling, marking, and placarding of hazardous material; the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents; the written notification, recording, and reporting of the unintentional release in transportation of hazardous material and other written hazardous materials transportation incident reporting involving State or local emergency responders in the initial response to the incident; and the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted.'' 49 CFR 107.202(d).[3]

The 2002 amendments and 2005 reenactment of the preemption provisions in 49 U.S.C. 5125 reaffirmed Congress's long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. More than fifty years ago, when it was considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). When Congress expanded the preemption provisions in 1990, it specifically found that many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements. And because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable. Therefore, in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.[4]

A United States Court of Appeals has found uniformity was the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials. *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

III. Preemption Determinations

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination whether the requirement is preempted. The Secretary of Transportation has delegated authority to PHMSA to make determinations of preemption, except for those concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration). 49 CFR 1.97(b).

Section 5125(d)(1) requires notice of an application for a preemption determination to be published in the **Federal Register**. Following the receipt and consideration of written comments, PHMSA publishes its determination in the **Federal Register**. *See* 49 CFR 107.209(c). A short period of time is allowed for filing of petitions for reconsideration. 49 CFR 107.211. A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final. 49 U.S.C. 5127(a).

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution, or statutes other than the Federal hazardous material transportation law unless it is necessary to do so in order to determine whether a requirement is authorized by another Federal law, or whether a fee is ''fair'' within the meaning of 49 U.S.C. 5125(f)(1). A State, local or Indian tribe

[3] Additional standards apply to preemption of non-Federal requirements on highway routes over which hazardous materials may or may not be transported and fees related to transporting hazardous material. *See* 49 U.S.C. 5125(c) and (f). *See also* 49 CFR 171.1(f) which explains that a ''facility at which functions regulated under the HMR are performed may be subject to applicable laws and regulations of state and local governments and Indian tribes.''

[4] Public Law 101–615 § 2, 104 Stat. 3244. (In 1994, Congress revised, codified and enacted the HMTA ''without substantive change,'' at 49 U.S.C. Chapter 51. Public Law 103–272, 108 Stat. 745 (July 5, 1994).).

requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n* v. *Harmon,* above, 951 F.2d at 1581 n.10.

In making preemption determinations under 49 U.S.C. 5125(d), PHMSA is guided by the principles and policies set forth in Executive Order No. 13132, entitled ''Federalism'' (64 FR 43255 (Aug. 10, 1999)), and the President's May 20, 2009 memorandum on ''Preemption'' (74 FR 24693 (May 22, 2009)). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. The President's May 20, 2009 memorandum sets forth the policy ''that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.'' Section 5125 contains express preemption provisions, which PHMSA has implemented through its regulations.

IV. Public Comments

All comments should be directed to whether 49 U.S.C. 5125 preempts the State of California's law requiring that propane cylinders sold or offered for sale in California must be refillable or reusable. Comments should specifically address the preemption criteria discussed in Part II above.

Issued in Washington, DC, on January 6, 2026.

Keith J. Coyle,

Chief Counsel.

[FR Doc. 2026–00232 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2025–0777; PDA–42(R)]

Hazardous Materials: Notice of Preemption Application From Exxon Mobil Corporation and Invitation for Public Comments

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: Interested parties are invited to comment on an application submitted to PHMSA by the Exxon Mobil Corporation for an administrative determination as to whether the Federal hazardous material transportation laws preempt certain common law tort claims regarding the marking, employee training, loading and unloading, and hazardous material classification for gasoline transported by cargo tank motor vehicle.

DATES: Comments received on or before February 9, 2026 and rebuttal comments received on or before March 10, 2026 will be considered before an administrative determination is issued by PHMSA's Chief Counsel. Any rebuttal comments may only discuss issues raised by comments received during the initial comment period.

ADDRESSES: Interested parties may review the application and all comments received in the Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The application and all comments received are available on the U.S. Government *Regulations.gov* website at *http://www.regulations.gov.*

Comments must refer to Docket No. PHMSA–2025–0777 and may be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Operations Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Commenters must send a copy of their comment to the individuals listed below. Commenters must include a certification that a copy of the comment has been sent to these persons:

- Ilana H. Eisenstein, Counsel for Exxon Mobil Corporation, DLA Piper LLP, 1650 Market Street, Suite 5000, Philadelphia, PA 19103.
- The Honorable Bruce J. Kaplan, Civil Presiding Judge, Middlesex County Courthouse, 56 Paterson Street, New Brunswick, NJ 08901.
- Andrew J. Dupont, The Curtis Center, Suite 720 East, 601 Walnut Street, Philadelphia, PA 19106.
- Jeffrey Kluger, McGivney, Kluger, Clark & Intoccia, P.C., 290 W Mt. Pleasant Ave., Suite 4200, Livingston, NJ 07039.

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice, which can be reviewed at *https://www.dot.gov/privacy.*

A subject matter index of hazardous materials preemption cases, including a listing of all inconsistency rulings and preemption determinations, is available through PHMSA's home page at *http://phmsa.dot.gov.* From the home page, click on ''Regulations and Compliance,'' then on ''Preemption Determinations'' located on the right side of the page. A copy of the index will be provided at no cost upon request to Mr. Patrick Doyle, at the address and telephone number set forth in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Patrick Doyle, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone No. 202–366–4400.

SUPPLEMENTARY INFORMATION:

I. Application for a Preemption Determination

The Exxon Mobil Corporation (''Exxon'') has applied for an administrative determination as to whether the Federal hazardous material transportation law (HMTA) preempts certain state common law tort claims against it regarding the marking, employee training, loading and unloading, and hazardous material classification for gasoline transported by cargo tank motor vehicle (CMTV).[1] Exxon's application for a preemption determination originated from common law tort claims brought against it in a New Jersey state court by a former driver whose duties included driving a CMTV and filling it with gasoline at an Exxon facility.[2] The tort claims focus on an assertion that the benzene in gasoline causes an unreasonably high risk of cancer for hazardous materials employees who transport it. The New Jersey state court denied the Defendants'

[1] The HMTA is codified at 49 U.S.C. 5101 *et seq.*

[2] PHMSA will file Exxon's application in the **Federal Register** docket applicable to this notice.

motion for summary judgment on June 24, 2025, in which Exxon claimed the state common law tort claims are preempted by federal law.[3] Exxon now asks PHMSA to consider questions similar to what it presented to the New Jersey state court.

In its preemption application filed with PHMSA, Exxon presents four main arguments for why it believes Federal law preempts the state common law tort claims against it. First, Exxon argues the HMTA preempts the tort claims because they would impose on Exxon a duty to mark gasoline containers and shipping papers with warnings regarding gasoline's benzene content. Exxon argues these markings or warnings specific to the benzene content of gasoline would not be ''substantively the same'' as the marking and shipping paper requirements already in the Hazardous Materials Regulations (HMR).[4] In addition to the argument that these requirements are preempted because they are not substantively the same as the Federal requirements, Exxon also argues that complying with the state requirements would impose an obstacle to complying with the Federal requirements in the HMR.

Second, Exxon argues the HMR's training requirements for hazardous materials employees preempt the state common law tort claims because the duty to train contemplated in the tort claims are not substantively the same as the Federal requirements.[5] Specifically, Exxon characterizes the HMR as requiring that a ''hazmat employee has knowledge of hazmat and the HMR, and can perform assigned hazmat functions property.''[6] Exxon argues any state common law duty to warn hazardous materials employees about the dangers of the materials being transported, such as any cancer risk from exposure benzene, are preempted because the HMTA covers ''packing, repacking, handling, labeling, marking, and placarding,'' which Exxon argues includes the HMR's requirement that hazardous materials employees train their employees.[7] Related to this argument, 49 CFR 172 subpart H contains requirements for employers to ensure that ''each of its hazmat employees is trained in accordance with the requirements prescribed in this subpart,'' which include ''measures to protect the employee from the hazards associated with hazardous materials to which they may be exposed in the workplace, including specific measures the hazmat employer has implemented to protect employees from exposure.'' As part of this argument, Exxon makes the separate but related factual assertion that the tort claimant did not work for Exxon but rather for a separate transportation company.

Third, the tort claimant argues the loading arm used to transfer gasoline at the Exxon facility into the CMTV was defectively designed. Exxon argues the HMTA's preemption provisions apply to the ''packing'' and ''handling'' of hazardous materials and the tort claimant seeks to impose a duty that is not ''substantively the same'' as the HMR provisions pertaining to the loading, unloading, or storage incidental to movement of hazardous materials.[8] In addition, Exxon notes the HMR explicitly pertains to ''loading incidental to movement,'' which for bulk packaging is defined in the HMR as follows, ''loading incidental to movement is filling the packaging with a hazardous material for the purpose of transporting it when performed by carrier personnel or in the presence of carrier personnel . . .''[9]

Fourth, Exxon argues the tort claims at issue would impose a duty for gasoline producers to redesign their product to remove benzene. Exxon argues that not only is it scientifically impossible to redesign gasoline to remove benzene, but that any such state law requirement would also be preempted because it would not be the substantively the same as the current HMR requirements for the classification of hazardous materials. Exxon notes that gasoline is currently classified as a Class 3 flammable liquid and the tort claimant's arguments would require gasoline to be reclassified as a Class 6.1 poisonous material.

Overall, Exxon asserts the impact of finding these tort claims are not preempted would lead to a ''patchwork of state regulations that would make it impossible to label and ship gasoline in interstate commerce.''[10] To highlight this potential impact, Exxon notes the Plaintiff in the New Jersey case has brought similar cases against in Pennsylvania and New York, and that another plaintiff has brought similar claims in Louisiana. Therefore, in summary, Exxon asks that PHMSA issue an administrative determination finding that the HMTA preempts the tort claims against it regarding the marking, employee training, loading and unloading, and hazardous material classification for gasoline transported by CMTV.

II. Federal Preemption

Section 1711(b) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2319), 49 U.S.C. 5125(a) provides that a requirement of a State, political subdivision of a State, or Indian tribe is preempted—unless the non-Federal requirement is authorized by another Federal law or DOT grants a waiver of preemption under section 5125(e)—if (1) complying with the non-Federal requirement and the Federal requirement is not possible; or (2) the non-Federal requirement, as applied and enforced, is an obstacle to accomplishing and carrying out the Federal requirement. These two sentences set forth the ''dual compliance'' and ''obstacle'' criteria that PHMSA's predecessor agency, the Research and Special Programs Administration, had applied in issuing inconsistency rulings prior to 1990, under the original preemption provision in the Hazardous Materials Transportation Act (HMTA).[11] The dual compliance and obstacle criteria are based on U.S. Supreme Court decisions on preemption.[12]

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects is preempted—unless authorized by another Federal law or DOT grants a waiver of preemption—when the non-Federal requirement is not ''substantively the same'' as a provision of Federal hazardous material transportation law, a regulation prescribed under that law, or a hazardous materials security regulation or directive issued by the Department of Homeland Security. To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar *de minimis* changes are permitted.''[13]

[3] The New Jersey state court opinion is included as Exhibit 1 to Exxon's Application a Preemption Determination (the ''Application''). PHMSA will also add this opinion to the **Federal Register** docket. The case is captioned *Singh, et. al* v. *Exxon Mobil Corp., et. al,* and is filed in the Superior Court of New Jersey in Middlesex County with Docket No. MID–L–004215–22.

[4] 49 U.S.C. 5101(b)(1)(B) and (C).

[5] 49 U.S.C. 5125(b).

[6] Application at 31.

[7] 49 U.S.C. 5125(b)(1)(A).

[8] 49 CFR 171.1(c).

[9] 49 CFR 171.1(c)(2).

[10] Application at 5.

[11] Public Law 93–633 § 112(a), 88 Stat. 2161 (1975).

[12] *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Grower* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield,* 435 U.S. 151 (1978).

[13] 49 CFR 107.202(d). Additional standards apply to preemption of non-Federal requirements on highway routes over which hazardous materials may or may not be transported and fees related to transporting hazardous material. *See* 49 U.S.C. 5125(c) and (f). *See also* 49 CFR 171.1(f) which explains that a ''facility at which functions

Continued

The five subject areas include: (1) the designation, description, and classification of hazardous material; (2) the packing, repacking, handling, labeling, marking, and placarding of hazardous material; (3) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents; (4) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material and other written hazardous materials transportation incident reporting involving State or local emergency responders in the initial response to the incident; and (5) the designing, manufacturing, fabricating, inspecting, marking, maintaining, reconditioning, repairing, or testing a package, container, or packaging component that is represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

The 2002 amendments and 2005 reenactment of the preemption provisions in 49 U.S.C. 5125 reaffirmed Congress's long-standing view that a single body of uniform Federal regulations promotes safety (including security) in the transportation of hazardous materials. More than thirty years ago, when it was considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' [14] When Congress expanded the preemption provisions in 1990, it specifically found many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements. And because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable. Therefore, to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.[15] A United States Court of Appeals has found uniformity was the ''linchpin'' in the design of the Federal laws governing the transportation of hazardous materials.[16]

III. Preemption Determinations

Under 49 U.S.C. 5125(d)(1), any person (including a State, political subdivision of a State, or Indian tribe) directly affected by a requirement of a State, political subdivision or tribe may apply to the Secretary of Transportation for a determination whether the requirement is preempted. The Secretary of Transportation has delegated authority to PHMSA to make determinations of preemption, except for those concerning highway routing (which have been delegated to the Federal Motor Carrier Safety Administration).[17]

Section 5125(d)(1) requires notice of an application for a preemption determination to be published in the **Federal Register**. Following the receipt and consideration of written comments, PHMSA publishes its determination in the **Federal Register**.[18] A short period of time is allowed for filing of petitions for reconsideration.[19] A petition for judicial review of a final preemption determination must be filed in the United States Court of Appeals for the District of Columbia or in the Court of Appeals for the United States for the circuit in which the petitioner resides or has its principal place of business, within 60 days after the determination becomes final.[20]

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution, or statutes other than the Federal hazardous material transportation law unless it is necessary to do so to determine whether a requirement is authorized by another Federal law, or whether a fee is ''fair'' within the meaning of 49 U.S.C. 5125(f)(1). A State, local or Indian tribe requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute.[21]

In making preemption determinations under 49 U.S.C. 5125(d), PHMSA will consider the principles and policies set forth in Executive Order (E.O.) 13132, entitled *Federalism* (64 FR 43255 (Aug. 10, 1999)), and the May 20, 2009 Presidential Memorandum on *Preemption* (74 FR 24693 (May 22, 2009)). Section 4(a) of E.O. 13132 authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. Similarly, the May 20, 2009 Presidential Memorandum sets forth the policy ''that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption.''

IV. Public Comments

All comments should be directed to whether 49 U.S.C. 5125 preempts state common law tort claims regarding the marking, hazardous material employee training, loading and unloading, and hazardous material classification for gasoline transported by cargo tank motor vehicle. Comments should specifically address the preemption criteria discussed in Part II above.

Issued in Washington, DC, on January 6, 2026.

Keith J. Coyle,

Chief Counsel.

[FR Doc. 2026–00231 Filed 1–8–26; 8:45 am]

BILLING CODE 4910–60–P

regulated under the HMR are performed may be subject to applicable laws and regulations of state and local governments and Indian tribes.''

[14] S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974).

[15] Public Law 101–615 § 2, 104 Stat. 3244. (In 1994, Congress revised, codified, and enacted the HMTA ''without substantive change,'' at 49 U.S.C. Chapter 51. Public Law 103–272, 108 Stat. 745 (July 5, 1994)).

[16] *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991).

[17] 49 CFR 1.97(b).

[18] *See* 49 CFR 107.209(c).

[19] 49 CFR 107.211.

[20] 49 U.S.C. 5127(a).

[21] *Colorado Pub. Util. Comm'n,* 951 F.2d at 1581 n.10.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Requesting Comment on TD 7918, Creditability of Foreign Taxes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Information Collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the IRS is inviting comments on the

information collection request outlined in this notice.

DATES: Written comments should be received on or before March 10, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov*. Include ''OMB Control No. 1545–0746'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–6008.

SUPPLEMENTARY INFORMATION: The IRS, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the IRS assess the impact and minimize the burden of its information collection requirements. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record, and viewable on relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Title: TD 7918, Creditability of Foreign Taxes.

OMB Control Number: 1545–0746.

Regulation Project Number: TD 7918.

Abstract: Internal Revenue Code (IRC) section 901 allows a taxpayer a tax credit for the amount of any income, war profits, or excess profits taxes it has paid or accrued during the taxable year. Treasury Regulations section 1.901–2A(e) allows a dual capacity taxpayer to apply the safe harbor formula to qualifying levies when determining the credit. Section 1.901–2A(d) requires the taxpayer to provide a statement electing to use the safe harbor formula.

Current Actions: There is no change to the previously approved information collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, businesses or other for-profit organizations, estates, and trusts.

Estimated Number of Responses: 120.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 41.

Dated: January 7, 2026.

Jason M. Schoonmaker,

Tax Analyst.

[FR Doc. 2026–00278 Filed 1–8–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Debt Management Advisory Committee Meeting

Notice is hereby given, pursuant to 5 U.S.C. App. 2, 10(a)(2), that a meeting will be held at the United States Treasury Department, 15th Street and Pennsylvania Avenue NW, Washington, DC on February 3, 2026, at 9:00 a.m., of the following debt management advisory committee:

Treasury Borrowing Advisory Committee

At this meeting, the Treasury is seeking advice from the Committee on topics related to the economy, financial markets, Treasury financing, and debt management. Following the working session, the Committee will present a written report of its recommendations. The meeting will be closed to the public, pursuant to 5 U.S.C. App. 2, 10(d) and Public Law 103–202, § 202(c)(1)(B)(31 U.S.C. 3121 note).

This notice shall constitute my determination, pursuant to the authority placed in heads of agencies by 5 U.S.C. App. 2, 10(d) and vested in me by Treasury Department Order No. 101–05, that the meeting will consist of discussions and debates of the issues presented to the Committee by the Secretary of the Treasury and the making of recommendations of the Committee to the Secretary, pursuant to Public Law 103–202,§ 202(c)(1)(B).

Thus, this information is exempt from disclosure under that provision and 5 U.S.C. 552b(c)(3)(B). In addition, the meeting is concerned with information that is exempt from disclosure under 5 U.S.C. 552b(c)(9)(A). The public interest requires that such meetings be closed to the public because the Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decisions on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community. When so utilized, such a committee is recognized to be an advisory committee under 5 U.S.C. App. 2, 3.

Although the Treasury's final announcement of financing plans may not reflect the recommendations provided in reports of the Committee, premature disclosure of the Committee's deliberations and reports would be likely to lead to significant financial speculation in the securities market. Thus, this meeting falls within the exemption covered by 5 U.S.C. 552b(c)(9)(A).

The Office of Debt Management is responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of Committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552(b). The Designated Federal Officer or other responsible agency official who may be contacted for additional information is Fred Pietrangeli, Director for Office of Debt Management (202) 622–1876.

Dated: January 7, 2026.

Frederick E. Pietrangeli,

Director (for Office of Debt Management)

[FR Doc. 2026–00239 Filed 1–8–26; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a new matching program.

SUMMARY: This computer matching agreement sets forth the terms, conditions, and safeguards under which the Internal Revenue Service (IRS) will disclose tax return information to the Department of Veterans Affairs, Veterans Health Administration (VA/VHA). VA/VHA will use the tax return information to verify veterans' employment status and earnings to determine eligibility for its health benefit programs.

DATES: Comments on this matching program must be received no later than

30 days after the Date of Publication in the **Federal Register**. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

ADDRESSES: Comments may be submitted through *www.Regulations.gov* or mailed to VA Privacy Service, 810 Vermont Avenue NW, (005X6F), Washington, DC 20420. Comments should indicate that they are submitted in response to the Computer Matching Agreement Between the Department of Treasury Internal Revenue Service and the Department of Veterans Affairs Veterans Health Administration for the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) Program. Comments received will be available at *regulations.gov* for public viewing, inspection or copies.

FOR FURTHER INFORMATION CONTACT: Ryan Heiman, Acting Executive Director, Member Services, Veterans Health Administration, 3401 SW 21st St, Bldg. 9, Topeka, KS 66604, Telephone: 785–409–2318, Email: *ryan.heiman@va.gov.*

SUPPLEMENTARY INFORMATION: This Computer Matching Agreement (CMA) re-establishes the terms, conditions, and safeguards under which the Internal Revenue Service (IRS) will disclose to the Department of Veterans Affairs (VA), Veterans Health Administration (VHA) certain tax return information. The purpose of this CMA is to make available to VA certain tax return information of VA applicants and beneficiaries of need-based benefits and to adjust income-dependent benefit payments as prescribed by law. VA/VHA will use the tax return information to verify veterans' employment status and earnings to determine eligibility for its health benefit programs.

Participating Agencies

Department of Veterans Affairs, Veterans Health Administration (VA/VHA) and the Internal Revenue Service (IRS).

Authority for Conducting the Matching Program

The legal authorities for IRS to conduct this computer matching are sections 38 U.S.C. 5106, 5317, 1710, and 26 U.S.C. 6103(l)(7)(B). 38 U.S.C. 5106 and 5317 requires Federal agencies to furnish VA with information the VA Secretary may request for determining eligibility for or the amount of VA benefits.

38 U.S.C. 1710 requires VA/VHA to collect income information from certain applicants for medical care and to use that income data to determine the appropriate eligibility category for the applicant's medical care.

26 U.S.C. 6103(l)(7)(B) authorizes the disclosure of tax return information with respect to net earnings from self-employment and wages, as defined by relevant Internal Revenue Code (IRC) sections, to Federal, state, and local agencies administering certain benefit programs under Title 38 of the U.S.C.

Section 7213 of the Intelligence Reform and Terrorism Prevention Act of 2004 provides IRS authority to add a death indicator to verification routines that the agency determines to be appropriate.

Purpose(s)

This computer matching agreement re-establishes the terms, conditions, and safeguards under which the Internal Revenue Service (IRS) will disclose to the Department of Veterans Affairs (VA), Veterans Health Administration (VHA), and certain tax return information. The purpose of this matching program is to make available to VA certain tax return information of VA applicants and beneficiaries of need-based benefits and to adjust income-dependent benefit payments as prescribed by law.

Categories of Individuals

Veterans applying for VA Health Care Benefits as well as their spouses and any disabled dependents under the age of 18 for total household income information.

Categories of Records

VA provides the IRS with a list of Veterans who have self-reported their household income as being below the income national threshold established yearly by the U.S. Department of Housing and Urban Development.

VA/VHA will provide the IRS with Social Security number (SSN) and name control (first four characters of the surname) for each individual for whom unearned income information is requested. VA/VHA will provide the requested tax report year for which data is being requested.

IRS provides return information with respect to unearned income extracted from the Information Return Master File (IRMF), Treas/IRS 22.061, through the DIFSLA program. When there is a match, IRS will disclose to VA/VHA: (a) Payee account number; (b) Payee name and mailing address; (c) Payee taxpayer identification number (TIN); (d) Payer name and address; (e) Payer TIN; and (f) Income type and amount. The total number of records will be equal to or greater than the number of records submitted by VA. In some instances, an individual may have more than one record on file.

System(s) of Records

IRS will extract tax return information with respect to unearned income from the Information Return Master File (IRMF), Treas/IRS 22.061, as published at 80 FR 54081 (September 8, 2015), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) Program. IRC/26 U.S.C. 6103 provides the authority for return/return-information disclosures. VA will match IRS information with information extracted from its ''Income Verification Records—VA'' system of records, 88 FR 17639 (March 23, 2023). Routine use #13 Federal Agencies, for Computer Matches is the applicable routine use that allows for this disclosure to determine or verify eligibility of Veterans receiving VA benefits or medical care under title 38, U.S.C.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Merissa Larson, Chief Privacy Officer and Chair of the Data Integrity Board, Department of Veterans Affairs approved this document on November 18, 2025 for publication.

Dated: January 6, 2026.

Saurav Devkota,

Government Information Specialist, VA Privacy Service, Office of Compliance, Risk and Remediation, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2026–00229 Filed 1–8–26; 8:45 am]

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FEDERAL REGISTER

Vol. 91 Friday,
No. 6 January 9, 2026

Part II

The President

Proclamation 11000—Amendments to Adjusting Imports of Timber, Lumber, and Their Derivative Products Into the United States

Federal Register
Vol. 91, No. 6
Friday, January 9, 2026

Presidential Documents

Title 3—

The President

Proclamation 11000 of December 31, 2025

Amendments to Adjusting Imports of Timber, Lumber, and Their Derivative Products Into the United States

By the President of the United States of America

A Proclamation

1. On July 1, 2025, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effects of imports of timber, lumber, and their derivative products (collectively, wood products) on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended, 19 U.S.C. 1862 (section 232). Based on the facts considered in that investigation, the Secretary found and advised me of his opinion that wood products are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States and provided recommendations for action under section 232 to adjust the imports of wood products so that such imports will not threaten to impair the national security of the United States.

2. In Proclamation 10976 of September 29, 2025 (Adjusting Imports of Timber, Lumber, and Their Derivative Products Into the United States), I concurred in the Secretary's finding that wood products are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States and adopted a plan of action to adjust the imports of wood products so that such imports will not threaten to impair the national security of the United States.

3. In Proclamation 10976, I directed the United States Trade Representative (Trade Representative), in consultation with the Secretary and any senior official the Trade Representative deemed appropriate, to pursue negotiations of agreements or continue current negotiations of agreements to address the threatened impairment of the national security with respect to imported wood products from any country and from time to time update me on the status or outcome of those negotiations. I also imposed a 10 percent *ad valorem* tariff on imports of certain softwood timber and lumber and a 25 percent *ad valorem* tariff on imports of certain upholstered wooden products, kitchen cabinets, and vanities. I further stated that on January 1, 2026, the duty rate for upholstered furniture would increase from 25 percent to 30 percent and the duty rate for kitchen cabinets and vanities would increase from 25 percent to 50 percent except for countries with which the United States reached an agreement that addresses the threatened impairment of the national security posed by imports of wood products.

4. The Trade Representative has informed me that the United States continues to engage in productive negotiations of agreements with multiple countries to address the threatened impairment of the national security with respect to imports of wood products. After considering the information the Trade Representative has provided me, among other things, I determine that it is necessary and appropriate to continue these negotiations and to delay for an additional year the increase in the duty rates for upholstered furniture, kitchen cabinets, and vanities. In my judgment, the action in this proclamation will result in more productive negotiations of agreements to address the threatened impairment to the national security found in Proclamation 10976, while the tariffs imposed in Proclamation 10976 will continue to

adjust the imports of wood products and address the threat to impair the national security found in Proclamation 10976.

5. Section 232 authorizes the President to take action to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. Section 232 includes the authority to adopt and carry out a plan of action, with adjustments over time, to address the national security threat. That initial plan of action may include negotiations of agreements with foreign trading partners along with other actions to adjust imports to address the national security threat, including tariffs.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232, and section 301 of title 3, United States Code, do hereby proclaim as follows:

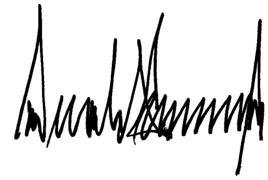
(1) Proclamation 10976 is amended by revising clause 5 to read as follows:

''(5) The rates of duty established in this proclamation shall apply with respect to goods entered for consumption, or withdrawn from warehouse for consumption, on or after 12:01 a.m. eastern daylight time on October 14, 2025. Effective January 1, 2027, the duty rate in clause 2 shall increase to 30 percent and the duty rate in clause 3 shall increase to 50 percent, and shall continue in effect, except for countries with which the United States reaches an agreement that addresses the threatened impairment of the national security posed by imports of wood products. Except as otherwise provided in this proclamation, the tariffs imposed in this proclamation are in addition to any other duties, taxes, fees, exactions, and charges applicable to such imported wood products.''

(2) The Trade Representative, in consultation with the Secretary and any senior official the Trade Representative deems appropriate, shall pursue negotiations of agreements or continue current negotiations of agreements to address the threatened impairment of the national security with respect to imported wood products from any country. The Trade Representative shall, from time to time, update me on the status or outcome of the negotiations described in Proclamation 10976 and this proclamation. The Trade Representative shall provide one of these updates shortly before the date that is 180 days after the date of Proclamation 10976.

(3) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency. If any provision of this proclamation or the application of any provision to any individual or circumstance is held to be invalid, the remainder of this proclamation and the application of its provisions to any other individuals or circumstances shall not be affected.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand twenty-five, and of the Independence of the United States of America the two hundred and fiftieth.



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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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