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DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 718

Commodity Credit Corporation

7 CFR Parts 1400, 1412, and 1430

[Docket ID FSA–2025–0202]

RIN 0560–AI83

Changes to Agriculture Risk Coverage, Price Loss Coverage, and Dairy Margin Coverage Programs

AGENCY: Commodity Credit Corporation and Farm Service Agency, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: This rule revises the provisions of the Agriculture Risk Coverage (ARC), Price Loss Coverage (PLC), and Dairy Margin Coverage (DMC) programs to conform with provisions of the One Big Beautiful Bill Act (OBBBA). OBBBA authorized modifications to the 2025 crop year ARC and PLC programs and the continuation of the ARC and PLC programs for the 2026 through 2031 crop years. The modified provisions are related to the reference prices, the effective reference prices, base acres, program elections, and payment provisions. OBBBA also authorized DMC for calendar years 2026 through 2031, providing participating dairy operations with the ability to establish a new production history. In addition, the Tier 1 coverage level was increased by 1 million pounds of milk to a 6-million-pound limit and eligibility for multi-year (lock-in) contracts was maintained until December 30, 2031. The Farm Service Agency (FSA) is also making minor administrative changes and updates to the ARC, PLC, and DMC regulations and the regulations that apply to multiple FSA programs.

DATES: This rule is effective on January 12, 2026.

FOR FURTHER INFORMATION CONTACT: For ARC and PLC, Jamie Garriott; telephone: (202) 253–9843; or email: *Jamie.Garriott@usda.gov*. For DMC, Douglas E. Kilgore; telephone: (717) 887–0963; or email: *Douglas.E.Kilgore@usda.gov*. Individuals with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 (voice and text telephone (TTY mode)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

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I. Background

On July 4, 2025, President Trump signed into law H.R. 1 (Pub. L. 119–21), also known as the One Big Beautiful Bill Act. This rule amends the provisions of the ARC and PLC programs and the DMC program to implement changes made by OBBBA. This rule also makes several discretionary changes to those programs to improve program administration and clarify existing policy, in addition to minor changes such as updating references to the applicable program years and removing outdated provisions. FSA will implement other provisions of OBBBA for other Commodity Credit Corporation (CCC) programs in future rules.

II. ARC and PLC Programs

OBBBA amended the Agricultural Act of 2014 (''the 2014 Farm Bill''; Pub. L. 113–79), as amended by the Agriculture Improvement Act of 2018 (''the 2018 Farm Bill''; Pub. L. 115–334), to modify certain provisions for the 2025 crop year ARC and PLC programs and to authorize the continuation of the ARC and PLC programs, with modifications, for the 2026 through 2031 crop years. This rule amends 7 CFR part 1412 to implement those changes and discusses how the ARC and PLC programs will be conducted, which is similar to how they were conducted in recent years. ARC and PLC are CCC programs administered by FSA.

FSA is making the following mandatory changes to implement the OBBBA provisions:

- Revising the ARC guarantee calculation as defined in 7 CFR 1412.3;
- Revising the effective reference price calculation as defined in § 1412.3 for the 2025 crop year forward;
- Updating reference prices as defined in § 1412.3 for the 2025 through 2030 crop years, with a further modification for the 2031 crop year;
- Allocating up to 30 million additional base acres, based on a farm's planting history, to eligible farms beginning with the 2026 crop year;
- Specifying that the higher of ARC–CO [1] or PLC payments will be issued for the 2025 crop year, regardless of whether the producer elected ARC–CO or PLC;
- For base acres that are considered grass, idle, or fallow, continuing the 2018 Farm Bill provision that addresses those acres, but updating the ending year for which producers are ineligible for payment to the 2031 crop year;
- Requiring an election of ARC or PLC for crop year 2026 or, in the case of no election being made, defaulting to the 2025 crop year ARC or PLC election with no payment for the 2026 crop year as explained in § 1412.74;
- Updating the marketing years used to calculate the reference price for temperate japonica rice;

[1] Under ARC, 2 options are available for producers: a county option (ARC–CO) and an individual option (ARC–IC). These options are discussed further in section II.A.

- Updating the payment rate calculation for ARC–CO for the 2025 crop year forward; and
- Increasing the payment limitations.

In addition to changes mandated by OBBBA, this rule also makes discretionary changes to the ARC and PLC programs, including:

- Adding definitions for tree, bush, vine, hemp, and eligible non-covered commodity;
- Updating the definitions of average historical county yield, benchmark revenue for ARC–IC, historical irrigated percentage, marketing year, replacement crop, and subsequently planted crop acreage;
- Updating the years used to calculate the historically irrigated percentage (HIP); and
- Updating the eligible fruit and vegetable (FAV) double crop combination counties.

This rule details the requirements necessary to carry out administration of ARC and PLC. This rule also clarifies and reaffirms which farms are eligible, which producers are eligible, election periods, enrollment periods, and more specifically, the actions that owners and producers must perform in order to ensure producer and farm payment eligibility.

Because of the timing of OBBBA enactment and publication of this rule, producers will have planted and potentially harvested their 2026 crops before: (1) the crop year 2026 ARC or PLC election is made; and (2) the annual enrollment decision is made. Producers will know their 2026 production and yields before they decide whether to elect and subsequently enroll in ARC or PLC for the 2026 crop year. For the 2026 crop year, all producers with an interest in base acres on a farm, at the time the election is made, must unanimously elect ARC or PLC on each covered commodity having base acres and may enroll each or all of those covered commodities. For each of the 2027 through 2031 crop years, the producers with an interest in base acres on a farm, at the time the election is made, are eligible for covered-commodity-by-covered-commodity election of ARC or PLC and subsequent enrollment in each crop year.

The terms ''owners'' and ''producers'' under this rule are defined as the person or legal entity for the applicable contract period for which that person or legal entity is signing forms or performing actions under this rule. Many of the actions required under the ARC and PLC programs (program election, enrollment, base allocation update, and subsequent opportunity to perform program election) can only be performed by the farm's owners and producers in that contract or program year. For the 2026 program year, as is discussed in greater detail below, and as required by the 2014 Farm Bill, as amended, the farm's producers must unanimously and irrevocably elect ARC or PLC during the prescribed election period. FSA will announce the election period each year.

A. Continuation of ARC and PLC Programs

Consistent with administration of the ARC and PLC programs in prior years, producers have a choice:

- ARC is an income support program that provides payments when actual crop revenue declines below a specified guarantee level. ARC continues to have 2 options:
  - Agriculture Risk Coverage—County Option (ARC–CO) provides payments when the actual county crop revenue for a covered commodity is less than the ARC–CO guarantee for the covered commodity. The actual county revenue and the revenue guarantee are based on county-level yield data for the physical location of the base acres on the farm and tract.
  - Agriculture Risk Coverage—Individual Option (ARC–IC) provides payments when the actual individual crop revenue for all covered commodities planted on the ARC–IC farm is less than the ARC–IC guarantee for those covered commodities. ARC–IC uses producer's certified yields, rather than county level yields.
- PLC provides payments when the price for a covered crop declines below its ''effective reference price.''

Eligible producers may elect to participate in either ARC–CO or PLC, but not both, for a single covered commodity on the farm, for the 2026 through 2031 crop years. An election of ARC–IC will apply to all covered commodities on the farm. Beginning in 2027 and in each subsequent program year, the farm's producers can unanimously choose a different program election for each of their covered commodities.

Under the 2014 and 2018 farm bills, expected yield, revenue, and price were based on the most recent 5 crop years. Because the most recent yield and price data for the immediately preceding 5 crop years is not available in the current crop year, this rule uses the term ''most recent 5 crop years available,'' which is defined as the 5 years preceding the most immediately preceding crop year. For example, the most recent 5 crops years available for the 2026 crop year are the 2020 through 2024 crop years.

OBBBA has updated the calculation of effective reference prices beginning with crop year 2025. The effective reference price for a covered commodity in any given crop year is the lesser of: (1) 115 percent of the reference price for a covered commodity; or (2) an amount equal to the greater of the reference price for the covered commodity or 88 percent of the average of the market year average (MYA) price [2] of the covered commodity for the most recent 5 crop years available, excluding each of the crop years with the highest and lowest MYA price.

The reference prices are set through crop year 2031, at which time they will be updated to equal the reference price in the previous crop year multiplied by 1.005, with the stipulation that the reference price will not exceed 113 percent of the reference prices stated in OBBBA.

Under OBBBA, all producers with an interest in base acres, on the farm, at the time the crop year 2026 election is made, are required to affirmatively and unanimously elect PLC or ARC and, if an election is not made, the farm's covered commodity will be ineligible for payments in the 2026 crop year and the election on the farm will default to the same ARC or PLC election that was in place for 2025 for each covered commodity on the farm. This 2025 election will be used for the 2027 through 2031 crop years unless a new election is completed. If a new election is completed, it is valid through 2031 unless it is changed again for a subsequent year. These provisions are specified in the OBBBA and FSA does not have discretion to deviate from the ineligibility of producers for payments for the 2026 crop year on farms if they do not have a valid election made during the election period for the 2026 crop year. Producers who do not make a valid election in the 2026 crop year election period will not be eligible for 2026 crop year payments. However, they are eligible to receive payments in the 2027 through 2031 crop years based on their election for the specific year.

The 2018 Farm Bill amended the 2014 Farm Bill to specify that a farm on which all of the cropland was planted to grass or pasture, including cropland that was idle or fallow from January 1, 2009, through December 31, 2017, would have base acres and yields maintained for the covered commodities on the farm, except that no payment would be made with respect to those

[2] The crop year and market year are identical for each covered commodity. ''Market year'' is the term used by USDA's National Agricultural Statistics Service (NASS), which is the source of price data used for ARC and PLC.

base acres for the 2019 through 2023 crop years. Additionally, the producers on a farm for which all of the base acres are maintained under this provision are ineligible to change the ARC or PLC election for the farm. The producers are also not permitted to reconstitute the farm to void or change this treatment of base acres. OBBBA extends these provisions through crop year 2031.

Any farm that receives a base allocation described below will be permitted to update the applicable election on all covered commodity base acres; however, only the newly established base acres will be eligible for payment.

B. Base Acres

Base acres are central to the payment formulas for ARC and PLC. Section 1111 of the 2014 Farm Bill provides that the base acres in effect under sections 1001 and 1301 of the Food, Conservation, and Energy Act of 2008 (''2008 Farm Bill''; Pub. L. 110–246; 7 U.S.C. 8702, 8751), as adjusted, that were in effect September 30, 2013, constitute the base acres for the ARC and PLC programs, subject to any reallocation, adjustment, or reduction under section 1112 of the 2014 Farm Bill, as amended. The term ''base acres'' includes unassigned base acres, which are derived from generic base acres [3] where no ARC or PLC payments are generated or earned.

OBBBA provides the one-time opportunity to allocate an additional 30,000,000 base acres nationwide in crop year 2026. The additional acres are automatically allocated to eligible farms, unless the owner requests not to receive additional base acres. A farm's eligibility to receive an allocation of new base acres is determined by the following:

- Acreage on a farm that was either planted, or prevented from being planted, because of drought, flood, or other natural disaster or condition beyond the control of the producer, to a covered commodity during the 2019 through 2023 crop years; plus
- The lesser of 15 percent of the total acres on the farm, which is the total of cropland acres minus acres enrolled in a federally funded conservation program that restricts the production of an agricultural commodity [4] except the Conservation Reserve Program (CRP), or the 5-year average of acreage planted and prevented from being planted, due to drought, flood, or other natural disaster or condition beyond the control of the producer, of eligible noncovered commodities for harvest, grazing, haying, silage, or other similar purposes during the 2019 through 2023 crop years.

In cases where two different covered commodities were planted on the same acreage and were not in an approved double cropping practice, the acreage will only count once. The owner will have the opportunity to select which covered commodity is used for the new base acreage determination.

A farm will be ineligible to receive an allocation of new base acres if:

- The farm does not meet the criteria of a covered commodity planted or prevented from being planted in the 2019–2023 crop years; or
- The 5-year average of planting history as outlined above does not exceed existing base acres on the farm excluding unassigned base acres.

If a farm is ineligible to receive an allocation, and currently has base acres, it will maintain its current base acres.

If a farm is eligible for an allocation of additional base acres and has unassigned base acres, those unassigned base acres will be converted to covered commodity base acres, on an acre-for-acre basis, first. If the amount of the additional base acres does not exceed the amount of unassigned base acres on the farm, the difference will remain as unassigned base acres.

Allocation of new base acres will be in proportion to the ratio of the 5-year average of planted and considered planted [5] covered commodities calculated for acreage history purposes. For any base acre added, a PLC payment yield must be established. If the covered commodity already exists on the farm, then the current established yield will be used as the PLC payment yield. If the covered commodity base acre is new, the PLC payment yield will be equal to either the average PLC payment yield for the covered commodity for the county in which the farm is located or a yield for a similarly situated farm.

If the total amount to be allocated exceeds the 30 million statutory limit, an across the board pro-rata reduction will be applied by FSA.

FSA is also defining the terms ''eligible non-covered commodity'', ''tree'', ''bush'', and ''vine'' for the purpose of base allocation. These definitions follow the intent provided by Congress in OBBBA. ''Eligible non-covered commodity'' means all other commodities that are not considered to be covered commodities, excluding the following:

- Tobacco, consistent with other CCC programs;
- Cannabis that does not meet the definition of hemp;
- Commodities that are reported as a tree, bush, vine, grass, idle, or fallow;
- Cover crops, such as oats, turnip mixture, or rye grass, reported specifically as cover; and
- CRP and other conservation program acres due to being ineligible for dual payments.

The following table provides an example of the base acre allocation on a farm with no current base acres.

BASE ACRE ALLOCATION CALCULATION EXAMPLE

[2024 Farm information: 50 total cropland acres, 0 base acres]

2019–2023 Planting history	25 acres planted to a covered commodity (CC) each year, 25 acres planted to an eligible non-covered commodity (ENCC) each year.
5-year average planting history (25 (the total CC Acres P&CP divided by 5) + (the lesser of 7.5 (15% of total cropland) or 25 (total ENCC P&CP divided by 5)).	32.5 acres.
Maximum potential allocation (5-year average planting history—2024 base).	32.5 base acres.

[3] Base acres of upland cotton under the 2008 Farm Bill in effect as of September 30, 2013, subject to any adjustment or reduction, became ''generic base acres'' beginning with the 2014 crop year. Under terms of the Bipartisan Budget Act of 2018 (Pub. L. 115–123), if a covered commodity, including seed cotton, was not planted or prevented from being planted on the farm during the 2009 through 2016 years, the generic base acres became unassigned base acres, which are not eligible for any ARC or PLC benefits. For a discussion of generic base acres, see 83 FR 40653.

[4] This includes programs such as the Wetland Reserve Program.

[5] ''Planted and considered planted'' (P&CP) means, with respect to an acreage amount, the sum of the planted and prevented planted acres on the farm approved by the FSA county committee for a crop. P&CP is limited to initially planted or prevented planted crop acreage, except for crops planted in an FSA approved double-cropping sequence. Subsequently planted crop acreage and replacement crop acreage are not included as P&CP. See 7 CFR 718.2.

The following table provides an example of the base acre allocation on a farm with current base acres.

BASE ACRE ALLOCATION CALCULATION EXAMPLE

[2024 Farm information: 50 total cropland acres, 10 base acres]

2019–2023 Planting history	25 acres planted to a covered commodity (CC) each year, 25 acres planted to an eligible non-covered commodity (ENCC) each year.
5-year average planting history (25 (the total CC Acres P&CP divided by 5) + (the lesser of 7.5 (15% of total cropland) or 25 (total ENCC P&CP divided by 5)).	32.5 acres.
Maximum potential allocation (5-year average planting history—2024 base = 32.5 − 10).	22.5 base acres.

C. ARC Changes

As provided by OBBBA, for each of the 2025 through 2031 crop years, FSA will:

- Calculate the ARC guarantee at 90 percent of the benchmark revenue; and
- Calculate the ARC payment rate using 12 percent of the benchmark revenue.

FSA is also updating the years used to calculate the HIP to 2019 through 2023 to better align with the years used for the base allocation process. FSA is also updating the counties designated as irrigated counties for crop years 2026 forward. FSA is updating the definitions of ''average historical county yield'' and ''benchmark revenue'' for ARC–IC to incorporate the new HIP years as well. FSA is also making conforming changes to 7 CFR part 718, which are discussed below.

Additionally, the 2018 Farm Bill allowed no more than 25 counties nationwide to be divided into two administrative units. Eligible counties for consideration of administrative units were those that were larger than 1,400 square miles and that contained more than 190,000 base acres. There were two counties that previously elected to be split into two administrative units and they will continue to be recognized as such through crop year 2031.

D. Election of ARC or PLC Programs

During the 2026 crop year election period that will be announced by FSA, all of the producers with an interest in base acres on a farm, at the time the election is made, must make a unanimous election of either of the two following options:

- ARC–CO or PLC on a covered-commodity-by-covered-commodity basis (the election can be for ARC–CO, PLC, or a combination of ARC–CO and PLC); or
- ARC–IC for all covered commodities on a farm.

Producers are those with an interest in base acres that perform the election. The election, if valid as described in this rule, will apply to the farm for the 2026 through 2031 crop years, unless unanimously changed by the producers on the farm in any of crop years 2027, 2028, 2029, 2030, or 2031. Election of ARC and PLC will occur in a defined period that will be announced by FSA in a press release in each of those crop years.

The election will be based on the farm structure for the 2026 crop year or, as may be applicable, the farm structure in the applicable 2027, 2028, 2029, 2030, or 2031 crop years. The term ''farm structure'' means the farm as last constituted in the crop year. Reconstitutions[6] of farms initiated after August 1, 2025, will not be considered by FSA until after the base allocation period has ended. Unless changed under provisions of this rule in any of the 2027 through 2031 crop years, the election of ARC and PLC for a farm will apply to that farm in all of the 2026 through 2031 crop years and, in the case of that farm being reconstituted, the farms resulting from that reconstitution. Neither the requesting of a farm reconstitution nor the reconstitution of any farm will change either the requirement that all producers with an interest in base acres on a farm, at the time the election is made, agree to the unanimous election during the election period or the valid election that was made by those producers.

If no election is made in 2026 for a covered commodity's base acres, the farm will default to the same coverage for the covered commodity on the farm that was made in the 2025 crop year and the producers on that farm will not be eligible for 2026 crop year payments even if the farm is enrolled in ARC or PLC for the 2026 crop year. During the 2026 election period, all producers with an interest in base acres on the farm, at the time the election is made, must unanimously make the election as discussed in this rule in order to preserve the payment eligibility of all producers of the covered commodity on the farm for the 2026 crop year. If a valid election is submitted by all producers with an interest in base acres on the farm, at the time the election is made, that election will be recognized as valid for the farm in the 2026 through 2031 crop years unless that election is either rescinded or terminated by any 2026 producer on the farm during the election period, or unless the valid election for the 2026 crop year is modified and replaced by another valid election by producers during the 2026 crop year election period. At any time during the election period, a producer on a farm can rescind an election or terminate an election by withdrawing from the election or by providing written notice to FSA requesting to have the election rescinded.

E. Owners Make Base Allocation Decision, and Producers Elect and Enroll

OBBBA specifies the roles of owners and producers, and FSA does not have the discretion to set different requirements. If, within 90 days after FSA notification of a farm's eligibility for an additional allocation of base acres, owners exercise the option to decline additional base acres, that decision will apply to the farm unless the decision to decline is either withdrawn, rescinded, or modified by the owners in writing prior to the end of the same 90 day period. FSA is under no obligation to notify owners on a farm if a base allocation rejection has been filed, rescinded, modified, or withdrawn by one or more other owners during the base allocation period.

All producers with an interest in base acres on a farm for the 2026 crop year, at the time the 2026 crop year election is made, must unanimously elect ARC, PLC, or a combination of ARC and PLC for each covered commodity and farm. If producers cannot agree, the farm's election for each covered commodity

[6] As defined in § 718.2, ''reconstitution'' means a change in the land constituting a farm as a result of combination or division.

will default to the election made for the 2025 crop year for each covered commodity on the farm, and the farm's covered commodity will not be eligible for crop year 2026 payments. If a person or legal entity acquires ownership of a farm that has already had an election of ARC or PLC made by producers in crop year 2026 or by producers for the 2027, 2028, 2029, 2030, or 2031 crop years, FSA will provide the election status to that person or legal entity on request, but FSA is under no obligation to notify new owners or new producers as to whether an election has previously been made on that particular farm unless the new owner or new producer specifically makes a request.

An election in ARC or PLC does not constitute enrollment. In order to be eligible for payments, producers must enroll their respective share interest of covered commodity base acres on the farm in ARC or PLC. Only producers who annually enroll, or who are subject to a valid multiyear enrollment,[7] may receive payments. In each crop year, the producers on the farm may choose to enroll base acres on the farm in ARC or PLC on a covered-commodity-by-covered-commodity basis.

F. ARC and PLC Payments

As noted earlier, ARC has two options—a county option (ARC–CO) and an individual farm coverage option (ARC–IC). For ARC–CO, the benchmark revenue is based on average revenues at the county level for covered commodities. For ARC–IC, the benchmark revenue is based on the average revenue for a specific farm. For ARC–CO, 85 percent of the specific covered commodity base acres for a commodity will be ''payment acres'' that are used to calculate payments; for ARC–IC, 65 percent of all covered commodity base acres on the farm will be ''payment acres.'' On a covered-commodity-by-covered-commodity basis, the farm's producers with an interest in base acres, at the time of the crop year 2026 election, can elect ARC–CO, PLC, or a combination of ARC–CO and PLC for a farm. In other words, they can elect ARC–CO for some covered commodities and PLC for others. However, if the farm's current producers with an interest in base acres, at the time the election is made, elect ARC–IC, the election applies to all the covered commodities and the whole farm.

There are several factors that affect payments and, therefore, the decision as to whether to participate in ARC or PLC. ARC payments are limited to 12 percent of the benchmark revenue per acre. The PLC calculation does not include current yields, so if market year prices were above the effective reference price, but current yields were low, there would be no PLC payment.

1. PLC Payment Calculations

As noted above, PLC is a counter-cyclical price program that makes a payment to an enrolled producer with a share of base acres when the effective price for a covered commodity falls below its effective reference price. The effective price is the higher of the national market year average (MYA) price or the national average loan rate (the Marketing Assistance Loan rate) for that crop year. Usually, the market price will be the effective price. FSA will continue to establish separate reference prices for temperate japonica rice for high altitude or high latitude areas. This rule updates the years used to calculate the reference price to crop years 2017 through 2021.

PLC payments for a given crop year will be made after October 1 of the following year. For example, 2025 crop year PLC payments will be made after October 1, 2026, and 2026 crop year PLC payments will be made after October 1, 2027. FSA is not changing the PLC payment calculation in this rule. For an explanation of the PLC payment calculation and an example, see 84 FR 45880–45881.

2. ARC Payment Calculations

As discussed above, ARC is an income support program that is designed to cover a portion of a farmer's out-of-pocket cost when crop revenues fall below guarantee revenue levels, with the benchmark revenue based on either county level historic revenue for ARC–CO or the individual farm's historic revenue for ARC–IC. Farmers may elect ARC–CO as an alternative to PLC on a covered-commodity-by-covered-commodity basis, or ARC–IC for all the covered commodities and the whole farm. For both ARC–CO and PLC, the payment calculation is based on covered commodity base acres. For ARC–IC, the payment calculation is based on the entirety of covered commodities grown on the farm during the crop year.

Under ARC–CO, payments are issued when actual county crop revenue for a covered commodity is less than the ARC–CO guarantee for that covered commodity. Since payment is not based on the revenue or yield of the individual farm, the producer does not need to provide any additional price or yield data to FSA to qualify for the ARC–CO payment. The calculation uses county data for yields and national prices, not individual farm data.

The ARC–CO guarantee is 90 percent of the crop's benchmark revenue in the county for each of the 2025 through 2031 crop years. Benchmark revenue is calculated by multiplying the ARC–CO average historical benchmark price by the ARC–CO average historical benchmark yield. The ARC–CO average historical benchmark price is equal to the most recently available previous 5-year MYA price, excluding the years with the highest and lowest prices. The ARC–CO benchmark yield is equal to the most recent 5-year average county yield available, excluding the years with the highest and lowest yields. The ARC–CO payment is equal to 85 percent of a farm's base acres of the covered commodity multiplied by the difference between the county's ARC–CO guarantee and the actual county revenue for the covered commodity.

The ARC–CO payment cannot exceed 12 percent of the county benchmark revenue (the ARC–CO average historical benchmark price times the ARC–CO average historical benchmark yield) for the 2025 through 2031 crop years. The following table provides an example of an ARC–CO payment calculation using estimated 2025 soybean prices and yields. This example uses an estimated 2025 MYA price and estimated 2025 actual average county yield because these values are not available for crop year 2026 at this time.

ARC–CO Payment Calculation Example

[Soybeans—100 base acres]

2025 MYA price (estimate)	$10.00/bu.
2025 actual average county yield (estimate)	40
Benchmark revenue (2019 through 2023 prices × yields for the county)	$473.78

[7] The option to enroll in a multiyear contract for the 2026 through 2031 program years is available in each year; otherwise, enrollment must be completed annually. A multiyear contract will remain valid as long as there are no changes to farm records or producers associated with the farm. If a change occurs, the multiyear contract will be cancelled and enrollment must be completed on an annual basis in subsequent years.

ARC–CO PAYMENT CALCULATION EXAMPLE—Continued

[Soybeans—100 base acres]

Base acres	100
2025 Actual crop revenue (MYA price × actual county yield)	$400
ARC–CO guarantee (90% × benchmark revenue)	$426.40
Maximum payment (the ARC–CO average benchmark price of $12.17 × the ARC–CO average benchmark yield of 38.93 bushels per acre × 12%)	$56.85
Payment rate (ARC–CO guarantee of $426.40—actual crop revenue of $400, not to exceed maximum payment of $56.85)	$26.40
Payment (payment rate of $26.40 × 85% of 100 base acres)	$2,244

ARC–IC provides payments when an individual's actual revenues, averaged across all covered commodities planted on the ARC–IC farm, are less than the overall ARC–IC guarantee, averaged across those covered commodities on the farm. As specified in the 2014 Farm Bill, as amended, the farm for ARC–IC purposes is the sum of the producer's interest in all enrolled ARC–IC farms in a state, meaning that if a producer has an interest in multiple farms that have elected and enrolled in ARC–IC, the ARC–IC benchmark revenue for that producer will be a weighted average of the benchmark revenue from each of those farms. The farm's ARC–IC guarantee equals 90 percent of the farm's individual benchmark guarantee (5-year average of the annual benchmark revenues), excluding the years with the highest and lowest annual benchmark revenues, then averaging across all crops on the farm. Actual revenue is similarly calculated, with both the guarantee and the actual revenue calculated using planted acreage on the farm. The ARC–IC payment is equal to 65 percent of the sum of the base acres of all covered commodities on the farm multiplied by the difference between the individual guarantee revenue and the actual individual crop revenue across all covered commodities planted on the farm. Payments may not exceed 12 percent of the benchmark revenue. Since the payment is based on yields for that individual farm, the producers enrolled on ARC–IC elected farms must report acreage and yield data to qualify for payment.

The following table provides an example of an ARC–IC payment calculation.

ARC–IC PAYMENT CALCULATION EXAMPLE

[Corn and Soybeans—100 base acres]

[60 acres planted with corn and 40 acres planted with soybeans]

Benchmark revenue corn	$826
Benchmark revenue soybean	687
Benchmark revenue total for the farm ((0.6 × $826) + (0.4 × $687))	770.40
Guarantee (90% of total benchmark revenue)	693.36
Actual revenue (2025 MYA price of each commodity × each commodity's actual yield * times ratio of planted covered commodity to farm's base acres 0.6 corn and 0.4 soybeans—in this case (0.6 × $702) + (0.4 × $540))	637.20
Maximum payment (12% of benchmark revenue of $770)	92.45
Payment rate (ARC–IC Guarantee minus Actual Crop Revenue; adjusted, if needed to not exceed maximum payment)	56.16
Payment (payment rate × 65% of 100 base acres)	3,650.40

* For corn, the 2025 projected actual price is $3.90 and the yield is 180 bushels per acre. For soybeans, the projected actual price is $10.00 and the yield is 54 bushels per acre.

G. Eligibility for Crop Insurance

Crop insurance is not required as a condition of eligibility for ARC and PLC, but ARC and PLC elections and enrollment may impact eligibility for crop insurance. Producers of upland cotton who choose to enroll upland cotton in ARC or PLC are ineligible for Stacked Income Protection Plan insurance under section 508B of the Federal Crop Insurance Act (7 U.S.C. 1508b).

H. Deadlines for ARC and PLC Actions

Annual enrollment for each covered commodity and crop year or multiyear contract enrollment will be announced by FSA. The contract year is based on the fiscal year, October 1 to September 30 of the next calendar year, with the enrollment occurring in the program year. Due to the timing of OBBBA and this regulation, producers will enroll by a deadline announced by FSA for the 2026 crop year, and that deadline will be in the 2027 contract year for a contract period that ended September 30, 2026. For each subsequent year, the enrollment deadline will be for a contract that began on the previous October 1. For example, the producer will enroll by March 15, 2027, for a 2027 contract that runs from October 1, 2026, to September 30, 2027.

The enrollment deadline announced by FSA will be consistent with the deadline for similar FSA and CCC programs and take into consideration the reporting of cropland and crop acreage on the farm. The date is also in advance of compliance activities that are required to occur for the crop year (acreage and production reporting), and the final date for seeking reconstitution of farms.

The following table provides a summary of deadlines for ARC and PLC:

Activity	Deadline
2026 acreage reports by 2026 operator or producers on farm	Not later than July 15, 2026, for covered commodities. For all other cropland on the farm, the acreage reporting date for the crop or crops in the State. (This deadline is unchanged by this rule.)
2026 base allocation period	As announced by FSA.
Election and enrollment of ARC and PLC by 2026 producers on farms in election and enrollment period.	As announced by FSA.

Activity	Deadline
2027 contract election and enrollment by 2027 producers on farms	As announced by FSA.
2026 production report of covered commodities by ARC–IC producers	July 15, 2027.
2027 and subsequent crop year acreage reports by 2027 and subsequent operator or producers on farm.	Not later than July 15 for covered commodities. For all other cropland on the farm, the acreage reporting date for the crop or crops in the State.
2028 and subsequent years contract election and enrollment by 2028 and subsequent year producers.	As announced by FSA.
2027 and subsequent year production report of covered commodities by ARC–IC producers.	July 15 of the year following the program year (for example, the 2027 production report is due July 15, 2028).

I. General Provisions That Apply to ARC and PLC

The regulations in 7 CFR part 1412 specify certain requirements to which the participant must agree to be eligible for payments. One such provision requires producers to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices.

ARC and PLC continue to have provisions for planting flexibility and reductions of payment acreage for plantings of fruits, vegetables, and wild rice on base acres. FSA is updating the list of counties in § 1412.46(f) that have been determined to be regions having a history of double-cropping covered commodities or peanuts with fruits, vegetables, or wild rice beginning with crop year 2026.

FSA is updating the definitions of ''benchmark revenue for ARC–IC'', ''historical irrigated percentage'', ''replacement crop'', and ''subsequently planted crop acreage'' for clarity. FSA is also updating the definition of ''marketing year'' to clarify the dates for long grain and medium grain rice, and to add the period for temperate japonica rice. FSA is adding a definition of ''corn'' to § 1412.3 that does not exclude popcorn and blue corn; this definition will apply to ARC PLC instead of the definition currently in § 718.2. FSA is removing subpart H of 7 CFR part 1412, because that subpart provides the provisions for the Cotton Transition Assistance Program (CTAP), which has ended. FSA has also updated examples throughout part 1412 to use current dates.

This rule also makes changes to provisions in 7 CFR part 718 that generally apply to FSA and CCC programs, including ARC and PLC. For clarity, FSA is adding the definitions of ''administrative county'' and ''servicing FSA county office'' to § 718.2. FSA is removing the definition of ''partial reconstitution'' because prior rules removed the provisions related to that term and it is no longer used in part 718. FSA is updating the definitions of ''beginning farmer or rancher'' and ''limited resource farmer or rancher'' for consistency with the certification statements on the FSA–860 and to update the references to specific years. FSA is also updating the definition of ''county'' to add a reference to councils of government. FSA is also amending the provisions for reconstitutions to clarify that they are effective for the fiscal year in which they are requested and adding the definition of ''fiscal year''.

F. Payment Limitations

The regulations in 7 CFR part 1400 specify payment limitations for ARC and PLC for covered commodities and peanuts. Beginning with crop year 2025, payment limitations, prior to the inflation adjustment, are increased and the following payment limitations apply for ARC and PLC:

- $155,000 for covered commodities (other than peanuts); and
- $155,000 for peanuts.

As mandated by OBBBA, and beginning with crop year 2025, FSA will annually adjust the payment limitation for inflation based on the Consumer Price Index for All Urban Consumers (CPI–U), which is published by the Bureau of Labor Statistics of the Department of Labor. FSA will publish the adjusted payment limitation as soon as practicable for each crop year, on or around October 1, on FSA's website.[8]

To calculate the annual adjustment, FSA will compare the average CPI–U for the most recently available September to August 12-month period to the average CPI–U for the September 2022 to August 2023 base period to determine the payment limit adjustment. The adjustment will then be applied to the existing payment limitation for ARC and PLC for both covered commodities and for peanuts, which have a separate payment limit. Each calculated adjusted payment limitation will be rounded to the nearest $1,000.

At no time for crop year 2025 and subsequent years will the payment limitation for ARC and PLC for covered commodities decline from one year to the next. If the calculated adjustment would result in a reduction in the payment limitation, the current payment limitation will remain in effect for the subsequent crop year. Applying the adjustment in this manner ensures that periods of negative inflation will not reduce the maximum payment amount.

An example of how FSA will calculate an adjustment is provided below. This example is for illustration only and does not establish the 2025 or 2026 payment limitations.

CPI–U *

	2022	2023	2024	2025
Jan	281.148	299.170	308.417	317.671
Feb	283.716	300.840	310.326	319.082
Mar	287.504	301.836	312.332	319.799
Apr	289.109	303.363	313.548	320.795
May	292.296	304.127	314.548	321.465
June	296.311	305.109	314.069	322.561
Jul	296.276	305.691	314.175	323.048

[8] See *https://www.fsa.usda.gov/tools/informational/payment-eligibility/payment-limitations.*

CPI–U *—Continued

	2022	2023	2024	2025
Aug	296.171	307.026	314.540	323.976
Sep	296.808	307.789	314.796	.....
Oct	298.012	307.671	315.664	.....
Nov	297.711	307.051	315.493	.....
Dec	296.797	306.746	315.605	.....

* CPI–U data is published at *https://www.bls.gov/cpi/tables/supplemental-files/*.

To determine the 2025 payment limitation, FSA will complete the following steps:

(1) The average of the September 2023 CPI–U through August 2024 CPI–U is 310.955.

(2) The average of the September 2022 CPI–U through August 2023 CPI–U is 301.3742.

(3) The inflation percentage is equal to 310.955 divided by 301.3742, which is 1.032, or 3.2 percent.

(4) The 2025 payment limitation is $155,000 multiplied by 1.032, rounded to the nearest $1,000, which equals $160,000.

To establish the 2026 payment limitation, FSA will use the same steps, comparing the average of the CPI–U for September 2024 through August 2025 (319.205) to the result of Step 2 above (301.3742), resulting in an adjustment of 1.059 or 5.9 percent. The payment limitation would equal $155,000 times 1.059, rounded to the nearest $1,000, which is $164,000.

III. Dairy Margin Coverage (DMC)

FSA is revising the DMC regulations in 7 CFR part 1430, subpart D, as required by OBBBA. Specifically, this rule amends the regulations to provide eligible dairy operations [9] with the ability to establish a new production history and provides for the reauthorization of DMC through calendar year 2031. In addition, the rule increases the pounds of Tier 1 coverage by 1 million pounds to a 6-million-pound limit, maintains eligibility of multi-year (lock-in) contracts until December 30, 2031, and streamlines the DMC regulation by removing unnecessary prior program and production history amendments that are no longer relevant for the administration of DMC in the 2026 and succeeding calendar years.

Section 1403 of Subtitle D of Title I of the 2014 Farm Bill (7 U.S.C. 9053) authorizes DMC, which provides a risk management program for dairy operations that pays producers when the difference between the price of milk and the cost of feed (the margin) falls below a certain dollar amount selected by the producer. Producers are eligible for catastrophic-level margin protection (based on a $4 margin and 95 percent production history coverage) for their dairy operations by paying an annual administrative fee, and they are also able to purchase greater coverage (up to a $9.50 margin on 5 to 95 percent of production history) for an annual premium. A participating dairy operation from 2019 through 2025 enrolled their first 5 million pounds of covered production at the Tier 1 level with the remaining pounds of coverage over 5 million pounds enrolled at the Tier 2 coverage level.

Section 10313 of Subtitle C of Title 1 of OBBBA provides all eligible participants in the DMC program with the opportunity to establish a new milk production history. This new milk production history, first used in the 2026 calendar year, is based on the highest marketed milk production level from any one of the 2021, 2022, or 2023 calendar years, rather than based on the highest annual milk marketings from the 2011, 2012, and 2013 calendar years. Beginning with the 2026 coverage year, all participating dairy operations will establish a new production history based on the specified years. The production history established during the years of 2014 through 2025 will no longer be applicable for coverage under DMC starting with the 2026 calendar year.

OBBBA clarifies the definition of a new dairy operation, for purposes of establishing production history, based on when the dairy operation first began to commercially market milk. Operations that are determined to be ''new dairy operations'' under this rule are dairy operations that have never established a production history under DMC and have begun producing and commercially marketing milk within 60 calendar days prior to registering to participate in DMC.

For new participating dairy operations that started to commercially market milk after January 1, 2023, OBBBA allows these operations to establish a production history by one of two methods:

- The volume of first-year milk marketings for the months that a participating dairy operation has been in business extrapolated to a yearly amount; or
- An estimate of the actual milk marketings based on the herd size for the first year of milk marketings of the participating dairy operation relative to the national rolling herd average data.

For example, a dairy operation that started commercially marketing milk on January 1, 2025, does not have milk marketings from 2021, 2022, or 2023. Therefore, the dairy operation will be considered new and must select from the two options (either the extrapolation method or the rolling herd average method) to establish production history, even though the dairy operation may have 12 full months of milk marketings in 2025.

The option selected by the new dairy operation will become their production history of record. Previous provisions allowed alternative conditions for establishing production history under DMC; those are no longer authorized and have been removed from the regulations.

Prior to 2026, a participating dairy operation enrolled their first 5 million pounds of covered production at the Tier 1 level with applicable premium fees, and the remaining pounds of coverage over 5 million pounds were enrolled at the Tier 2 coverage level. OBBBA amends the Tier 1 premium rate schedule coverage limit from 5,000,000 pounds to 6,000,000 pounds, allowing mid-size dairy operations that market more than 5 million pounds of annual production to cover an additional 1

[9] As defined in 7 CFR 1430.402, ''dairy operation'' means, as determined by the Deputy Administrator, and subject to conditions that the Deputy Administrator may impose to advance the achievement of the purposes of the DMC Program, any one or more dairy producers that produce and market milk commercially produced from cows as a single unit in which each dairy producer:

(1) Shares in the pooling of resources under a common ownership structure;

(2) Is at risk in the production of milk in the dairy operation;

(3) Contributes land, labor, management, equipment, or capital to the dairy operation that are at least commensurate to the producer's share in the operation; and

(4) Has production facilities located in the United States.

million pounds of production history at the Tier 1 level. The increase to the maximum allowable pounds under Tier 1 is consistent with the growth of mid-sized dairies that currently milk 250 head of cattle with an average production of 24,000 pounds annually. For dairy operations with more than 6 million pounds of production history, the pounds over 6 million pounds will be assigned to Tier 2 pounds of coverage.

OBBBA maintains the provision that a dairy operation can elect a Tier 1 coverage level threshold of $8.00, $8.50, or $9.00 and have the option to select a different coverage level threshold for Tier 2. Premium rate fees for producer-selected coverages under Tier I and Tier II are unchanged.

OBBBA reauthorizes the DMC lock-in option for participating dairy operations. During the 2026 coverage election period, a dairy operation may make a one-time election of coverage level and coverage percentage, ''locking-in'' those elections for a six-year period beginning January 2026 and ending December 2031. All dairy operations that elect the lock-in option are required to participate in DMC at the same elected premium coverage level for a six-year period beginning in January 2026. DMC participating dairy operations locking in elections for the six-year period will receive a premium discount of 25 percent off the premium rate per cwt in each applicable Tier table. Annually, ''locked-in'' dairy operations are required to certify to commercially marketing milk and timely pay the administrative and premium fees (if applicable) when due according to FSA.

FSA is also making additional discretionary changes. The administrative provisions of § 1430.401 have been updated to be consistent with other FSA and CCC programs. In addition, the rule clarifies that for an informal joint venture dairy operation, when a non-participating member declines participation in DMC for the coverage year, the premium obligation and payments will be pro-rated for only the participating members and will exclude the share percentage of the non-participating member. Also, to remain consistent in the rule with the 6-million-pound increase of production history coverage under Tier 1, for an intergenerational transfer production history increase according to § 1430.405(h), the amount of production history increase for an intergenerational transfer will also be limited to an amount not more than 6 million pounds. The rule also clarifies the effects of a participating dairy operation's failure to pay the administrative fee and premium fees when due. A participating dairy operation that does not timely pay their administrative fee for a coverage year is not eligible for DMC for that coverage year. Likewise, for a participating dairy operation that fails to pay a premium when due, the rule clarifies that an accrued DMC payment will process if applicable; however, the dairy operation must pay the amount of outstanding premium or receivable before a concurrent DMC contract application can be approved.

The rule also removes unnecessary provisions and language pertaining to supplemental production history that is no longer relevant to DMC. For example, the authority to make DMC payments based on supplemental production history ended on December 31, 2023. In addition, production history ''bump'' adjustments and the establishment of an adjusted base production history are also no longer authorized under the DMC program.

The Margin Protection Program for Dairy (MPP-Dairy) was the risk-based predecessor program to DMC. Since DMC replaced MPP-Dairy, FSA is removing all MPP-Dairy related references and language in this rule. FSA is also removing and reserving 7 CFR 1430, subpart A, which contained the regulations for MPP-Dairy.

IV. Severability

The modifications to the ARC, PLC, and DMC programs authorized by the OBBBA are distinct and severable from one another, as well as from the minor administrative changes and updates to the regulations. Each provision is designed to function independently, ensuring that the rule as a whole remains effective and aligned with the agency's intent, even if certain provisions were to be invalidated.

V. Regulatory Analyses

A. Effective Date, Notice and Comment, and Paperwork Reduction Act

The OBBBA amended Title I of the 2014 Farm Bill to reauthorize the ARC, PLC, and DMC programs. As specified in 7 U.S.C. 9091(c)(2), the regulations to implement these provisions are exempt from:

- The Paperwork Reduction Act (44 U.S.C. chapter 35), and
- The notice and comment provisions of 5 U.S.C. 553.

Further, the Administrative Procedure Act (APA, 5 U.S.C. 553(a)(2)) provides that the provisions requiring notice and comment and a 30-day delay in the effective date do not apply when the rule involves specified actions, including matters relating to benefits or contracts. This rule governs payments to agricultural producers and therefore falls within the benefits exemption.

In addition, 7 U.S.C. 9091(c)(3) directs the Secretary to use the authority provided in 5 U.S.C. 808 of the Congressional Review Act (CRA). Because this rule meets the criteria specified at 8 U.S.C. 804(2), the CRA would ordinarily necessitate delaying its effective date for 60 days (5 U.S.C. 801(a)(3)(A)). However, the CRA, at 5 U.S.C. 808(2), allows an agency to make such regulations effective immediately if the agency finds there is good cause to do so. USDA has determined that such good cause exists here. USDA believes that notice and comment is ''unnecessary'' under that subsection because it is exempt from the APA's public notice requirements as described above. Further, this rule is implementing mandatory requirements of the OBBBA, and the assistance provided by this rule is necessary to help the beneficiaries of this rule sustain their normal business operations. As a result, USDA finds that notice and public procedure are contrary to the public interest. Therefore, USDA is not required to delay the effective date for 60 days from the date of publication to allow for Congressional review. Accordingly, this rule is effective upon publication in the **Federal Register**.

This rule is exempt from the regulatory analysis requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) because it .is exempt from the public notice requirements of 5 U.S.C. 553 as described above. The requirements for the regulatory flexibility analysis in 5 U.S.C. 603 and 604 are specifically tied to the requirement for a proposed rule by section 553 or any other law; in addition, the definition of rule in 5 U.S.C. 601 is tied to the publication of a proposed rule.

B. Executive Orders 12866, 13563, and 14192

Executive Order 12866, ''Regulatory Planning and Review,'' and Executive Order 13563, ''Improving Regulation and Regulatory Review,'' 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 (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563

emphasized the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' announced the Administration policy to significantly reduce the private expenditures required to comply with Federal regulations to secure America's economic prosperity and national security and the highest possible quality of life for each citizen and to alleviate unnecessary regulatory burdens placed on the American people. In line with the Executive Order requirements, the Agency chose this regulatory approach, which implements mandatory provisions of the OBBBA and clarifies and simplifies program requirements, to maximize benefits and minimize burden on American producers. This rule is not an Executive Order 14192 regulatory action because it does not impose any more than de minimis regulatory costs.

The Office of Management and Budget (OMB) designated this rule as economically significant under Executive Order 12866, section 3(f)(1), and therefore, OMB has reviewed this rule. The costs and benefits of this rule are summarized below. The full CBA is available on *regulations.gov.*

C. Cost Benefit Analysis Summary

OBBBA authorized modifications to the 2025 crop year ARC and PLC programs and the continuation of the ARC and PLC programs for the 2026 through 2031 crop years. The modified provisions are related to reference prices, effective reference prices, base acres, program elections, and payment provisions. The numerous changes to ARC and PLC increase the likelihood and the amount of payments in any given year relative to the pre-OBBBA amended programs. Payments for these programs are expected to be $72.19 billion in total for the FY2027–2036 period, an increase of $46.2 billion relative to expected outlays under the 2018 Farm Bill.

OBBBA also increased ARC and PLC payment limits (to $155,000 for covered commodities and to a separate limit of $155,000 for peanuts) and indexes them to inflation as measured by the U.S. Bureau of Labor Statistics' Consumer Price Index for All Urban Consumers (CPI–U). The indexing will begin with the 2025 crop year payment limits. Each year in early October, USDA will announce the payment limit for the upcoming crop. For example, USDA will announce the 2027 crop ARC and PLC limits in October 2026. Outlays are projected to increase by around $592 million over 10 years due to the combined effect of the ARC and PLC payment limit increasing to $155,000 and the use of indexing.

OBBBA extends the DMC program through the 2031 calendar year and makes two main changes. First, it defines production history as the highest annual milk marketings achieved in any one of the calendar years 2021, 2022, or 2023, allowing producers to establish a more current and often more favorable production benchmark. For new or recently established operations, production history may be calculated either by extrapolating from actual production or by estimating output based on herd size relative to the national rolling herd average published by USDA. Prior to these amendments, production history was based on highest milk production in 2011, 2012, and 2013.

Second, OBBBA increases the Tier I coverage limit for a dairy operation from 5 million to 6 million pounds of milk per year. Tier I coverage includes subsidized premiums at higher coverage levels than Tier 2. As a result, OBBBA reduces per-unit program costs for a significant share of U.S. milk production. OBBBA also updates the premium discount and multi-year enrollment provisions and resets the program authority from 2019–2023 to 2026–2031, encouraging producers to commit to multi-year DMC participation. Combined, these DMC changes are estimated to result in about $238.2 million of additional cost over 10 years.

The combined total cost of the above OBBBA changes is approximately $47 billion.

D. Environmental Review

The environmental impacts have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347) and the USDA regulation for compliance with NEPA (7 CFR part 1b).

This rule implements primarily mandatory changes to the ARC, PLC, and DMC programs required by the OBBBA, with limited discretionary aspects that do not have the potential to impact the human environment as they are administrative. Accordingly, these discretionary aspects are covered by the FSA Categorical Exclusions specified in 7 CFR 1b.4(c)(16)(ix) that applies to safety net programs and § 1b.(c)(16)(vii) that applies to price support programs.

No Extraordinary Circumstances (§ 1b.3(f)) exist because these are administrative payment programs. As such, the implementation of and participation in the ARC, PLC, and DMC programs do not constitute major Federal actions that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, FSA will not prepare an environmental assessment or environmental impact statement for this action and, consistent with § 1b.3(g), this document serves as the programmatic finding of applicability and no extraordinary circumstance (FANEC) for this Federal action.

E. Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a Government-to-Government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

USDA has assessed the impact of this rule on Indian Tribes and determined that this rule does not, to our knowledge, have Tribal implications that required Tribal consultation at this time. If a Tribe requests consultation, FSA will engage the Office of Tribal Relations as needed, to ensure meaningful consultation is provided.

F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4) requires Federal agencies to assess the effects of their regulatory actions of State, local, and Tribal governments or the private sector. Agencies generally must prepare a written statement, including cost benefit analysis, for proposed and final rules with Federal mandates that may result in expenditures of $100 million or more in any 1 year for State, local or Tribal governments, in the aggregate, or to the private sector. UMRA generally requires agencies to consider alternatives and adopt the more cost effective or least burdensome alternative that achieves the objectives of the rule. This rule contains no Federal mandates, as defined in Title II of UMRA, for State, local and Tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

G. E-Government Act Compliance

FSA is committed to complying with the E-Government Act of 2002, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Federal Assistance Programs

The titles and numbers of the Federal assistance programs, as found in the Assistance Listing, to which this document applies are 10.112—Price Loss Coverage, 10.113—Agriculture Risk Coverage, and 10.127—Dairy Margin Coverage.

List of Subjects

7 CFR Part 718

Acreage allotments, Drug traffic control, Loan programs—agriculture, Marketing quotas, Price support programs, Reporting and recordkeeping requirements.

7 CFR Part 1400

Agriculture, Grant programs—agriculture, Loan programs—agriculture, Natural resources, Price support programs.

7 CFR Part 1412

Acreage allotments, Cotton, Feed grains, Oilseeds, Peanuts, Price support programs, Reporting and recordkeeping requirements, Rice, Soil conservation, Wheat.

7 CFR Part 1430

Dairy products, Fraud, Penalties, Price support programs, Reporting and recordkeeping requirements.

For the reasons discussed above, FSA and CCC amend the regulations in 7 CFR parts 718, 1400, 1412, and 1430 as follows:

PART 718—PROVISIONS APPLICABLE TO MULTIPLE PROGRAMS

■ 1. The authority citation for part 718 continues to read as follows:

Authority: 7 U.S.C. 1501–1531, 1921–2008v, 7201–7334, and 15 U.S.C. 714b.

Subpart A—General Provisions

■ 2. Amend § 718.2 as follows:
■ a. Add the definition of ''Administrative county'' in alphabetical order;
■ b. In the definition of ''Beginning farmer or rancher'', remove the words ''all members must be related by blood or marriage and all members'' and add ''at least 50 percent of the interest'' in their place;
■ c. Revise the definition of ''County'';
■ d. Add the definition of ''Fiscal year'' in alphabetical order;
■ e. Revise the definition of ''Limited resource farmer or rancher'';
■ f. Remove the definition of ''Partial reconstitution''; and
■ g. Add the definition of ''Servicing FSA county office'' in alphabetical order.

The additions and revisions read as follows.

§ 718.2 Definitions.

* * * * *

Administrative county means the FSA-determined county of record for systematic control and administration under programs relying on such a determination.

* * * * *

County means the county, council of government, or parish of a state. For Alaska, Puerto Rico and the Virgin Islands, a county shall be an area designated by the State committee with the concurrence of the Deputy Administrator.

* * * * *

Fiscal year means the period October 1 through September 30.

* * * * *

Limited resource farmer or rancher means a farmer or rancher who is both of the following:

(1) A person whose direct or indirect gross farm sales do not exceed $227,100 (2025 program year) in each of the 2 calendar years that precede the most immediately preceding complete taxable year before the relevant program year that corresponds to the relevant program year (for example, for the 2026 program year, the two years would be 2023 and 2024), adjusted upwards in later years for any general inflation; and

(2) A person whose total household income was at or below the national poverty level for a family of four in each of the same two previous years referenced in paragraph (1) of this definition. (Limited resource farmer or rancher status can be determined using a website available through the Limited Resource Farmer and Rancher Online Self Determination Tool through National Resource and Conservation Service at *https://lrftool.sc.egov.usda.gov*.)

(3) For legal entities, all members must meet the criteria in paragraphs (1) and (2) of this definition.

* * * * *

Servicing FSA county office means the FSA office which is responsible for updating, processing and maintaining the records of a specific administrative county and the associated producers and applications thereof.

* * * * *

Subpart C—Reconstitution of Farms, Allotments, Quotas, and Base Acres

§ 718.204 [Amended]

■ 3. In § 718.204(b), remove the word ''calendar'' and add the word ''fiscal'' in its place.

PART 1400—PAYMENT LIMITATION AND PAYMENT ELIGIBILITY

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

Authority: 7 U.S.C. 1308, 1308–1, 1308–2, 1308–3, 1308–3a, 1308–4, and 1308–5; and Title I, Pub. L. 115–123.

Subpart A—General Provisions

■ 5. Amend § 1400.1 as follows:

■ a. In Table 1 to paragraph (f), revise the entry for items (1) and (2) and add footnote 3 at the end of the table.

§ 1400.1 Applicability.

* * * * *

(f) * * *

TABLE 1 TO PARAGRAPH (f)

Payment or benefit	Limitation per person or legal entity ($)
(1) Price Loss Coverage, Agriculture Risk Coverage payments (other than Peanuts)	155,000 per program year.[3]
(2) Price Loss Coverage and Agriculture Risk Coverage payments for Peanuts	155,000 per program year.[3]

TABLE 1 TO PARAGRAPH (f)—Continued

Payment or benefit	Limitation per person or legal entity ($)
* * * * * * *	

[3] The $155,000 limitation is the base total amount a person or legal entity can receive directly or indirectly for program year 2025, and future years. Beginning in program year 2025, the payment limitation amount will be adjusted annually for inflation based on the Consumer Price Index for all Urban Consumers as discussed in § 1400.106.

■ 6. In § 1400.3, add the definition of ''CPI–U'' in alphabetical order.

§ 1400.3 Definitions.

* * * * *

CPI–U means the Consumer Price Index for all Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor at *https://www.bls.gov/cpi/.*

* * * * *

Subpart B—Payment Limitation

■ 7. In § 1400.106, add paragraph (d) to read as follows.

§ 1400.106 Payment limits.

* * * * *

(d) The payment limitations described in items (1) and (2) of table 1 to § 1400.1(f) will be annually adjusted for inflation based on the CPI–U beginning with crop year 2025 according to the following:

(1) On or about October 1 of each year, FSA reviews the CPI–U for the most recently available twelve-month period on the date of review;

(2) FSA will average the CPI–U data and compare the average of the previous 12-month period to determine the percentage of inflation;

(3) The result of paragraph (d)(2) of this section will be applied to the limitation specified in items (1) and (2) of table 1 to § 1400.1(f), as adjusted; and

(4) The resulting adjusted limitation will be rounded to the nearest thousand.

PART 1412—AGRICULTURE RISK COVERAGE AND PRICE LOSS COVERAGE

■ 8. Revise the authority citation for part 1412 to read as follows:

Authority: 7 U.S.C. 1508b, 7911–7912, 7916, 8702, 8711–8712, 8751–8752, 9011–9018, and 15 U.S.C. 714b and 714c.

■ 9. Revise the heading for part 1412 as set forth above.

Subpart A—General Provisions

■ 10. Amend § 1412.2 as follows:

■ a. Revise paragraphs (a) and (b);

■ b. In paragraph (c) introductory text, remove the word ''may'' and add ''will'' in its place;

■ c. Revise paragraph (d); and

■ d. Remove and reserve paragraph (e).

The revisions read as follows.

§ 1412.2 Administration.

(a) The ARC and PLC Programs will be administered under the general supervision and direction of the Executive Vice President, CCC, and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this part.

* * * * *

(d) No provision or delegation to an FSA State or county committee will preclude the Executive Vice President, CCC, or a designee, from determining any question arising under this part, or from reversing or modifying any determination made by an FSA State or county committee.

* * * * *

■ 11. Amend § 1412.3 as follows:

■ a. In paragraph (3) of the definition of ''Actual average county yield'', remove ''2013'' both times it appears and add ''2019'' in its place, and remove ''2017'' both times it appears and add ''2023'' in its place;

■ b. In the definition of ''ARC guarantee'', remove ''86 percent'' and add ''90 percent'' in its place;

■ c. In the definition of ''Average historical county yield'', remove ''2013'' both times it appears and add ''2019'' in its place, and remove ''2017'' both times it appears and add ''2023'' in its place;

■ d. In paragraph (3) of the definition of ''Benchmark revenue for ARC–IC'', remove ''2023 and add ''2031'' in its place, and remove the words ''and eligible subsequently planted crop acreage'' both times they appear;

■ e. Add the definition of ''Bush'' in alphabetical order;

■ f. In the definitions of ''Contract period'' and ''Contract year or program year'', remove ''2019'' each time it appears and add ''2026'' in its place, and remove ''2018'' each time it appears and add ''2025'' in its place;

■ g. Add the definition of ''Corn'' in alphabetical order;

■ h. In the definition of ''Crop year'', remove ''2019'' each time it appears and add ''2026'' in its place, and remove ''2018'' each time it appears and add ''2025'' in its place;

■ i. In paragraph (2)(ii) of the definition of ''Effective reference price'', remove ''85 percent'' and add ''Beginning with the 2025 crop year, 88 percent'' in its place;

■ j. Add the definition of ''Eligible non-covered commodity'' in alphabetical order;

■ k. In the definition of ''Fiscal year'', remove ''2019'' each time it appears and add ''2026'' in its place, and remove ''2018'' and add ''2025'' in its place;

■ l. Add the definition of ''Hemp'' in alphabetical order;

■ m. Revise the definitions of ''Historical irrigated percentage'' and ''Marketing year'';

■ n. In the definition of ''Most recent 5 crop years available'', remove ''2019'' and add ''2026'' in its place, remove ''2013'' and add ''2020'' in its place, and remove ''2017'' and add ''2024'' in its place;

■ o. Revise the definition of ''Reference price'';

■ p. In the definition of ''Replacement crop'', remove the words ''unless the replacement crop acreage meets the definition of eligible subsequently planted crop acreage as specified in this section; and'' and add a period in their place;

■ q. Revise the definition of ''Subsequently planted crop acreage'';

■ r. In the definition of ''Temperate japonica rice'', remove ''2012'' both times it appears and add ''2017'' in its place, and remove ''2016'' both times it appears and add ''2021'' in its place; and

■ s. Add the definitions of ''Tree'' and ''Vine'' in alphabetical order.

The additions and revisions read as follows.

§ 1412.3 Definitions.

* * * * *

Bush means a low, branching, woody perennial plant, from which at maturity of the bush, an annual fruit or vegetable crop is produced.

* * * * *

Corn means field corn or sterile high-sugar corn that follows the standard planting and harvesting practices for corn for the area in which the corn is grown. Corn nuts, sweet corn, and corn varieties grown for decoration uses are not corn.

* * * * *

Eligible non-covered commodity means all other commodities that are not considered a covered commodity, excluding the following:

(1) Tobacco;

(2) *Cannabis sativa* L. and any part of that plant that does not meet the definition of hemp;

(3) CRP, other Federal Conservation Program Acres;

(4) Cover crops, and

(5) Commodities that are reported as a tree, bush, vine, grass, idle, or fallow.

* * * * *

Hemp means the plant species *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, that is grown under a license or other required authorization issued by the applicable governing authority that permits the production of the hemp.

Historical irrigated percentage means the percentage of the P&CP covered commodity on a farm that was irrigated divided by the total acreage of the P&CP covered commodity between the years 2019 through 2023.

* * * * *

Marketing year means the 12-month period beginning in the calendar year the crop is normally harvested as follows:

(1) Barley, oats, and wheat: June 1 through May 31;

(2) Canola, flax and rapeseed, lentils, and dry edible peas: July 1 through June 30;

(3) Peanuts and seed cotton: August 1 through July 31;

(4) Corn, grain sorghum, soybeans, sunflowers, safflower, mustard, crambe, sesame, and chickpeas: September 1 through August 31;

(5) Long grain and medium grain rice: August 1 through July 31; and

(6) Temperate Japonica rice: October 1 through September 30.

* * * * *

Reference price means, with respect to a covered commodity for a crop year:

(1) The following for the 2026 through 2030 crop years:

(i) Wheat, $6.35 per bushel;

(ii) Corn, $4.10 per bushel;

(iii) Grain sorghum, $4.40 per bushel;

(iv) Barley, $5.45 per bushel;

(v) Oats, $2.65 per bushel;

(vi) Long grain rice, $16.90 per hundredweight;

(vii) Medium grain rice, $16.90 per hundredweight;

(viii) Soybeans, $10.00 per bushel;

(ix) Other oilseeds, $23.75 per hundredweight;

(x) Peanuts, $630.00 per ton;

(xi) Dry peas, $13.10 per hundredweight;

(xii) Lentils, $23.75 per hundredweight;

(xiii) Small chickpeas, $22.65 per hundredweight;

(xiv) Large chickpeas, $25.65 per hundredweight; and

(xv) Seed cotton, $0.42 per pound.

(2) Beginning with the 2031 crop year, the reference price for the previous crop year multiplied by 1.005, not to exceed 113 percent of the reference price for the covered commodity provided in paragraph (1) of this definition.

* * * * *

Subsequently planted crop acreage means acreage of a crop following an initial crop that is not in an approved double cropping combination. Subsequently planted crop acreage can be used for base reallocation for ARC and PLC under subpart B.

* * * * *

Tree means a tall, woody plant having comparatively or potential great height.

* * * * *

Vine means a perennial plant that has a flexible stem supported by climbing, twining, or creeping along a surface.

Subpart B—Establishment of Base Acres for a Farm for Covered Commodities

§ 1412.26 [Amended]

■ 12. In § 1412.26(a), remove ''2023'' and add ''2031'' in its place.

■ 13. Add § 1412.27 to read as follows.

§ 1412.27 Additional Base Acres.

(a) An additional 30,000,000 base acres will be allocated to eligible farms for program year 2026. Owners will be notified by CCC and given the opportunity to elect to not receive the additional allocation no later than 90 days after the receipt of the notification. An owner may appeal a determination of ineligibility for an allocation of base acres by requesting a review of the accuracy of information contained in the notification by filing a written request to the County Committee within 30 calendar days after the notice is received. If an adverse decision is made by the County Committee, the owner may appeal the adverse decision to the FSA State Committee or the National Appeals Division, or request mediation.

(b) Effective beginning with the 2026 crop year, a farm is eligible to receive an allocation of base acres if, with respect to the farm, the 5-year average sum exceeds the total number of base acres on the farm. The 5-year average sum is the sum of:

(1) The 5-year average of:

(i) The acreage planted on the farm to all covered commodities for harvest, grazing, haying, silage or other similar purposes for the 2019 through 2023 crop years; and

(ii) Any acreage on the farm that the producers were prevented from planting during the 2019 through 2023 crop years to covered commodities because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by CCC; plus

(2) The lesser of:

(i) 15 percent of the total acres on the farm; or

(ii) The 5-year average of:

(A) The acreage planted on the farm to eligible noncovered commodities for harvest, grazing, haying, silage, or other similar purposes for the 2019 through 2023 crop years; and

(B) Any acreage on the farm that the producers were prevented from planting during the 2019 through 2023 crop years to eligible noncovered commodities because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by CCC.

(c) The total number of base acres for covered commodities, with respect to a farm, is the total number of base acres for covered commodities on the farm, excluding unassigned crop base, as in effect on September 30, 2024.

(d) If the 5-year average planted acreage of covered commodities for a farm is equal to zero, that farm is ineligible to receive an allocation of base acres.

(e) The number of base acres allocated to an eligible farm:

(1) Is equal to the difference obtained by subtracting the total amount of base acres for covered commodities on the farm, excluding unassigned crop base, from the amount determined in the 5-year average sum calculation; and

(2) Includes unassigned crop base.

(f) The allocation of additional base acres for covered commodities is in proportion to the ratio of:

(1) The 5-year average of:

(i) The acreage planted on the farm to each covered commodity for harvest, grazing, haying, silage, or other similar purposes for the 2019 through 2023 crop years; and

(ii) Any acreage on the farm that the producers were prevented from planting during the 2019 through 2023 crop years to that covered commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by CCC; to

(2) The 5-year average cropping history, as calculated in (b)(1). For the purpose of determining a 5-year acreage average, any crop year in which a covered commodity was not planted will not be excluded.

(g) For the purpose of determining the acreage on a farm that producers planted or were prevented from planting during the 2019 through 2023 crop years to covered commodities, if the acreage that was planted or prevented from being planted was devoted to another covered commodity in the same crop year (other than a covered commodity produced under an established practice of double cropping), the owner may elect the covered commodity to be used for that crop year in determining the 5-year average, but may not include both the initial covered commodity and the subsequent covered commodity.

(h) The allocation of additional base acres among covered commodities on a farm may not result in a total number of base acres for the farm in excess of the total number of acres on the farm according to § 1412.24 with the removal of the acres specified in (a)(2).

(i) Unassigned base will be converted to covered commodity base acres on farms eligible for additional base acres. The allocation of additional acres will first be applied on an acre-for-acre basis not to exceed total amount of additional allocation, converting unassigned base acres to specific covered commodity base acres. These converted acres are not counted toward the additional 30 million acres and are not subject to any pro-rata reduction.

(j) If the total number of eligible acres allocated to base acres across all farms in the United States would exceed 30,000,000 acres, CCC will apply an across-the-board, pro-rata reduction to the number of eligible acres to ensure the number of allocated base acres is equal to 30,000,000 acres.

(k) Beginning with crop year 2026, for the purpose of making PLC payments, FSA will establish payment yields for new base acres allocated equal to:

(1) The payment yield established on the farm for the applicable covered commodity; and

(2) If no such payment yield for the applicable covered commodity exists, a payment yield:

(i) Equal to the average payment yield for the covered commodity for the county in which the farm is situated; or

(ii) Equal to a yield for the covered commodity for similarly situated farms.

(l) In the case of a farm for which the owner on the date of base allocation eligibility notification was not the owner for the 2019 through 2023 crop years, CCC will use the planting history of the prior owner or owners of that farm for purposes of determining:

(1) Eligibility;

(2) Eligible acres; and

(3) The allocation of acres.

Subpart D—ARC and PLC Contract Terms and Enrollment Provisions for Covered Commodities

■ 14. Amend § 1412.41 as follows:

■ a. In paragraphs (a)(1)(i) and (f), remove ''2019'' each time it appears and add ''2026'' in its place; and

■ b. In paragraph (a)(1)(iii), add ''or 2026'' after ''2019'' each time it appears;

■ 15. Amend § 1412.46 as follows:

■ a. Revise paragraph (f)(1);

■ b. Remove paragraph (f)(6);

■ c. Redesignate paragraphs (f)(7) through (f)(45) as (f)(6) through (f)(44);

■ d. In newly redesignated paragraph (f)(6), add ''Crowley and'' before ''Otero'';

■ e. Revise newly redesignated paragraphs (f)(13), (f)(14), and (f)(27);

■ f. In newly redesignated paragraph (f)(32), add ''Oswego,'' after ''Orleans,'';

■ g. In newly redesignated paragraph (f)(35), add ''Pike,'' after ''Muskingum,'';

■ h. In newly redesignated paragraph (f)(36), add ''Comanche,'' after ''Cleveland,'';

■ i. Revise newly redesignated paragraphs (f)(43) and (f)(44);

■ j. Add new paragraph (f)(45); and

■ k. In paragraph (49), remove ''Yakima'' and add ''None'' in its place.

The revisions and addition read as follows.

§ 1412.46 Planting flexibility.

* * * * *

(f) * * *

(1) *Alabama.* All counties.

* * * * *

(13) *Illinois.* Adams, Alexander, Bureau, Calhoun, Cass, Clark, Clay, Clinton, Crawford, DeKalb, Edgar, Edwards, Effingham, Franklin, Gallatin, Hamilton, Hardin, Iroquois, Jefferson, Jersey, Johnson, Kankakee, LaSalle, Lawrence, Lee, Madison, Marion, Mason, Monroe, Peoria, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Tazewell, Union, Vermilion, Wabash, Washington, Wayne, White, Woodford, and Whiteside.

(14) *Indiana.* Allen, Bartholemew, Crawford, Daviess, Floyd, Gibson, Harrison, Jackson, Johnson, Knox, LaGrange, LaPorte, Madison, Marion, Martin, Miami, Pike, Posey, Ripley, Shelby, Sullivan, Vanderburgh, and Warrick.

* * * * *

(27) *Nebraska.* Dawes-North Sioux and Sheridan.

* * * * *

(43) *Tennessee.* All counties.

(44) *Texas.* Anderson, Andrews, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bastrop, Baylor, Bee, Bell, Bexar, Borden, Bosque, Bowie, Brazos, Brazoria, Briscoe, Brooks, Brown, Burleson, Caldwell, Calhoun, Callahan, Cameron, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Dimmit, Donley, Duval, Eastland, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fischer, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Gonzales, Gray, Grayson, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Hartley, Haskell, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jackson, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones Karnes, Kaufman, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, LaSalle, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, Martin, Mason, Matagorda, Maverick, McCulloch, McLennan, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Motley, Navarro, Nolan, Nueces, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Rains, Randall, Reagan, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, San Patricio, San Saba, Schleicher, Scurry, Sherman, Smith, Somervell, Starr, Stonewall, Swisher, Tarrant, Taylor, Terry, Tom Green, Travis, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wise, Wilson, Wood, Yoakum, Young, Zapata, and Zavala.

(45) *U.S. Virgin Islands.* None.

* * * * *

§ 1412.47–1412.48 [Reserved]

■ 16. Add and reserve §§ 1412.47–1412.48.

Subpart E—Financial Considerations Including Sharing Payments

§ 1412.51 [Amended]

■ 17. Amend § 1412.51 as follows:

■ a. Remove and reserve paragraphs (b) and (c); and
■ b. In paragraph (e), remove ''2019'' both times it appears and add ''2026'' in its place, remove ''2020'' and add ''2026'' in its place, and remove ''2021'' both times it appears and add ''2028'' in its place.

§ 1412.52 [Amended]

■ 18. Amend § 1412.52 as follows:
■ a. In paragraph (d) introductory text, remove ''in § 1412.51 and''; and
■ b. In paragraph (e)(2), remove ''Part 1403 of this chapter'' and add ''Part 3 of this title'' in its place.

■ 19. Amend § 1412.53 as follows:
■ a. In paragraph (b)(2), remove ''10 percent'' and add ''12 percent'' in its place;
■ b. In paragraph (c), remove ''2013'' each time it appears and add ''2019'' in its place, and remove ''2017'' each time it appears and add ''2023'' in its place;
■ c. In paragraph (d), remove ''2019'' and add ''2026'' in its place;
■ d. Revise paragraph (e)(2); and
■ e. Add new paragraph (h).

The revision and addition read as follows.

§ 1412.53 ARC payment provisions.

* * * * *

(e) * * *

(2) Payment is equal to the result of multiplying the payment acres for the covered commodities times the difference between actual crop revenue and the ARC–IC guarantee, not to exceed 12 percent of benchmark revenue for ARC–IC for each of the 2025 through 2031 crop years.

* * * * *

(h) For the 2025 crop year, CCC will make the higher of PLC payments or ARC–CO payments to the producers on a farm for the payment acres for each covered commodity on the farm.

Subpart F—Violations and Compliance Provisions

§ 1412.61 [Amended]

■ 20. In § 1412.61, remove ''part 1403 of this chapter'' and add ''part 3 of this title'' in its place.

§ 1412.62 [Reserved]

■ 21. Add and reserve § 1412.62.

§ 1412.65 [Amended]

■ 22. In § 1412.65(a), remove ''part 1403 of this chapter'' and add ''part 3 of this title'' in its place.

Subpart G—ARC and PLC Election

§ 1412.71 [Amended]

■ 23. Amend § 1412.71 as follows:
■ a. In paragraph (a) introductory text, remove ''2023'' and add ''2031'' in its place, and remove ''2019'' and add ''2026'' in its place; and
■ b. In paragraph (a)(2), add ''or 2026'' to the end of the paragraph.

§ 1412.72 [Amended]

■ 24. In § 1412.72(a), add ''or 2026'' after ''2019''.

§ 1412.74 [Amended]

■ 25. Amend § 1412.74 as follows:
■ a. In paragraph (a), remove ''2019'' and add ''2026'' in its place; and
■ b. In paragraph (b), remove ''2019'' both times it appears and add ''2026'' in its place, remove ''2023'' and add ''2025'' in its place, and add ''or 2027 through 2031 crop years as was applicable for the 2025 crop year'' at the end of the paragraph.

Subpart H—[Reserved]

■ 26. Remove and reserve subpart H, consisting of §§ 1412.81 through 1412.89.

PART 1430—DAIRY PRODUCTS

■ 27. The authority citation for part 1430 continues to read as follows:

Authority: 7 U.S.C. 9051–9060 and 9071 and 15 U.S.C. 714b and 714c.

Subpart A—[Reserved]

■ 28. Remove and reserve subpart A.

Subpart D—Dairy Margin Coverage Program

■ 29. Amend § 1430.401 as follows:
■ a. Revise paragraphs (a), (b), and (d); and
■ b. Remove and reserve paragraph (e).

The revisions read as follows.

§ 1430.401 Administration.

(a) The Dairy Margin Coverage Program (DMC) will be administered under the general supervision and direction of the Executive Vice President, CCC, and will be carried out in the field by FSA State and county committees, respectively.

(b) State and county committees, and representatives and their employees, do not have authority to modify or waive any of the provisions of the regulations set forth in this part.

* * * * *

(d) No provision or delegation to an FSA State or county committee will preclude the Executive Vice President, CCC, or a designee, from determining any question arising under this subpart, or from reversing or modifying any determination made by an FSA State or county committee.

* * * * *

■ 30. Amend § 1430.402 as follows:
■ a. Remove the definitions of ''Adjusted Base Production History'' and ''Milk Income Loss Contract Program or MILC'',
■ b. Revise the definitions of ''New operation'' and ''Production history''; and
■ c. Remove the definition of ''Supplemental Production History''.

The revisions read as follows.

§ 1430.402 Definitions.

* * * * *

New operation means a dairy operation that started commercially marketing milk:

(1) After January 1, 2023, and does not have one full 365-day calendar year of commercial milk marketings from 2021, 2022, or 2023;

(2) After January 1, 2023, with a full calendar year of commercial milk marketings for 2024 or subsequent year; or

(3) Within 60 calendar days of submitting a contract application under DMC.

* * * * *

Production history means the production history determined for a participating dairy operation under this subpart when the participating dairy operation first registers to participate in DMC as determined under the provisions of this subpart.

* * * * *

■ 31. Amend § 1430.403 as follows:
■ a. Revise paragraphs (a)(1) and (e); and
■ b. Remove paragraph (f).

The revisions read as follows.

§ 1430.403 Eligible Dairy Operations.

(a) * * *

(1) Produce milk from cows in the United States that is marketed commercially at the time of each annual election for an applicable coverage year in DMC;

* * * * *

(e) CCC will determine additional dairy operations that operate in a manner that are separate and distinct from each other according to paragraph (d) of this section and may be considered an operation even though they may not meet the conditions otherwise imposed in this definition. CCC may combine dairy operations to be considered one dairy operation when the business is operating more than one milking facility that is not separate and distinct and is conducting business as one dairy operation.

■ 32. Amend § 1430.404 as follows:

■ a. In paragraph (a), remove the words ''and, if eligible, adjusted base production history,'';
■ b. Revise paragraphs (b) introductory text, (c)(1), (d), and (e)(2) and (3);
■ c. Remove paragraph (e)(4);
■ d. Revise paragraphs (f)(2) and (g); and
■ e. Remove paragraph (h).

The revisions read as follows.

§ 1430.404 Time and method of registration and annual election.

* * * * *

(b) A dairy operation must submit completed contracts and any other supporting documentation, during the annual election period established by CCC to the administrative county FSA office serving the dairy operation. However, the production history must be established only once and approved by CCC before the contract is submitted and considered complete.

* * * * *

(c) * * *

(1) The applicable year of coverage for contracts received during an annual election period will be the following calendar year.

* * * * *

(d) If the dairy producer operates more than one separate and distinct operation, the producer must register each operation for each operation to be eligible for coverage. If the producer moves the same herd of cattle between two facilities, then the two facilities will not be regarded as separate and distinct but as one operation. A separate operation must distinctly, as a single unit, have their own cattle, facilities, milk marketings, tanks, feed, records, State level licenses, and permits. A dairy operation operated by more than one dairy producer will be considered to be a single dairy operation for purposes of participating in DMC and may only submit one contract.

(e) * * *

(2) During the 2026 annual coverage election period only, participating dairy operations that make a one-time election of coverage level and percentage of coverage, according to § 1430.407(j), will be locked in at the same coverage level and percentage of coverage for a 6-year period beginning January 1, 2026, and ending December 31, 2031. Dairy operations that elect the lock-in option are required to pay the annual administrative fee and submit an annual contract during the annual contract election period for each coverage year to certify that the dairy operation is still in the business of producing and commercially marketing milk. If the operation fails to pay the applicable administrative fees or certify the status of the dairy operation, the dairy operation will remain obligated for all applicable unpaid administrative and premium fees calculated for the lock-in period.

(3) All participating producers in the participating dairy operation must agree to the coverage level threshold and coverage percentage elected by the operation on the contract. Producers in the participating dairy operation that elect not to participate may not submit a separate contract for coverage. All producers that share in risk of the dairy operation's production must be indicated on the contract with their corresponding share in the dairy operation; however, a signature from the non-participating member will not be required for CCC approval. When a member of an informal joint venture declines participation on the DMC contract, the premium amount and potential payments for the participating members are prorated accordingly.

(f) * * *

(2) All information provided is subject to verification by CCC. CCC may require a dairy operation to provide documentation that supports all verifiable records.

(g) At the time the completed contract is submitted to CCC for the first program year in which the operation is to participate in DMC, the dairy operation must also submit a separate form, as prescribed by CCC, to establish the production history for the dairy operation. An established production history and a completed contract are both required to have a complete submission that is subject to approval by CCC.

■ 33. Amend § 1430.405 as follows:
■ a. Revise paragraph (a) introductory text;
■ b. In paragraph (a)(2), remove the words ''or 2019 milk marketings'';
■ c. Remove paragraphs (a)(3) and (4), and (b);
■ d. Redesignate paragraphs (c) and (d) as paragraphs (b) and (c);
■ e. Revise newly redesignated paragraph (b) introductory text;
■ f. Remove paragraph (e);
■ g. Redesignate paragraphs (f) through (h) as paragraphs (d) through (f);
■ h. In newly redesignated paragraph (d) introductory text, remove the words ''or adjusted base production history'';
■ i. In newly redesignated paragraphs (d)(1) and (d)(2), remove the words ''and or adjusted base production history'';
■ j. In newly redesignated paragraph (e), remove the words ''and adjusted base production history'';
■ k. In newly redesignated paragraph (f), remove ''5 million'' and add ''6 million'' in its place; and
■ l. Revise paragraph (f)(1).

The revisions read as follows.

§ 1430.405 Establishment and transfer of production history for a participating dairy operation.

(a) Except as provided in paragraphs (b) of this section, CCC will establish the production history for a dairy operation for DMC as the highest annual milk marketings of the participating dairy operation during any one of the 2021, 2022, or 2023 calendar years.

* * * * *

(b) A participating dairy operation that began marketing milk after January 1, 2023, will be considered a new dairy operation according to § 1430.401. To establish the production history for such a new dairy operation the new dairy operation is required to elect one of the following methods:

* * * * *

(f) * * *

(1) The dairy operation must notify CCC of the intergenerational transfer within 60 days of the purchase of the cows by filing form CCC–800C at the County office. The operation has the option of the additional production history taking effect beginning with the month the producer first began to commercially produce and market milk as part of the dairy operation, or the following January 1. If the additional production history takes effect between January 1 and August 31, the premium is due September 1, as specified in § 1430.407(h)(2). If the additional production history takes effect between September 1 and December 31, the premium is due immediately.

* * * * *

■ 34. Amend § 1430.406 as follows:
■ a. Revise paragraph (a); and
■ b. In paragraph (c), remove ''2024'' and add ''2031'' in its place.

The revision reads as follows.

§ 1430.406 Administrative Fees.

(a) Except as provided in paragraph (e) of this section, dairy operations must pay an administrative fee to CCC in the amount of $100 at the time of enrollment during the annual election period for each applicable coverage year the dairy operation decides to participate in DMC. Annual administrative fees are due and payable to CCC through the administrative county FSA office no later than the close of business on the last day of the annual election period established by CCC for each applicable calendar year of dairy margin coverage under DMC. The administrative fee paid is non-refundable; however, if paid during the Coverage Election Period, and made in

error or other detrimental circumstances, the COC may refund the administrative fee to the dairy operation.

* * * * *

■ 35. Amend § 1430.407 as follows:
■ a. In paragraphs (c), (d), and the headings of the second and third column in Table 1 to paragraph (e), remove ''5 million'' each time it appears and add ''6 million'' in its place;
■ b. In paragraph (f) introductory text, remove the words ''or adjusted base production history, as applicable,'';
■ c. In paragraph (f)(1), remove the words ''or adjusted base production history'';
■ d. Revise paragraphs (i) and (j); and
■ e. Remove paragraph (n).

The revisions read as follows.

§ 1430.407 Buy-up coverage.

* * * * *

(i) If the total premium is not paid for an applicable calendar year of coverage as specified in paragraph (g) of this section, the participating dairy operation contract for a concurrent year cannot be approved until the prior year premium or receivable is paid.

(j) For each calendar year 2026 through 2031, a participating dairy operation that makes a one-time election of a coverage level threshold and a percentage of coverage according to this section, for a 6-year period, will have their elected coverage level, as applicable to each tier, reduced by 25 percent. The option to lock in for the premium rate discount must be elected during the 2026 annual coverage election period announced by CCC. Except that, new dairy operations, not in existence during the 2026 annual election period, that elect to participate in DMC according to § 1430.404(b), are eligible to receive the premium rate discount for locking coverage for the period beginning with the first available calendar year and ending in 2031, except that new dairy operations registering for DMC for the first time for coverage year 2031 and dairy operations that stop producing and marketing milk in 2026 that are registering for eligible months in 2031 are not eligible for the multi-year premium rate discount. All dairy operations that elect the lock-in option are subject to full participation in DMC at the same elected premium coverage levels and calculated premium for the duration of DMC according to § 1430.413.

* * * * *

§ 1430.408 [Removed and reserved]

■ 36. Remove and reserve § 1430.408.

■ 37. In § 1430.410, revise paragraph (a)(2) and add paragraph (a)(3).

The revision and addition read as follows.

§ 1430.410 Effect of failure to pay administrative fees or premiums.

(a) * * *

(2) Upon such failure to pay the administrative fee when due, loses coverage under DMC for the coverage year; and

(3) Upon such failure to pay the premium fee or receivable when due, a subsequent DMC contract cannot be approved.

* * * * *

§ 1430.412 [Reserved]

■ 38. Remove and reserve § 1430.412.

§ 1430.413 [Amended]

■ 39. Amend § 1430.413 as follows:
■ a. In paragraph (a) remove ''2023'' both times it appears and add ''2031'' in its place; and
■ b. Remove paragraphs (d) and (e).

§ 1430.416 [Amended]

■ 40. In § 1430.416, remove ''part 1403 of this chapter'' and add ''part 3 of this title'' in its place.

William Beam,

Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2026–00313 Filed 1–9–26; 8:45 am]

BILLING CODE 3411–E2–P

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 106

[CIS No. 2830–25]

Adjustment to Premium Processing Fees

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security (DHS) is increasing premium processing fees charged by U.S. Citizenship and Immigration Services (USCIS) to reflect the amount of inflation from June 2023 through June 2025 according to the Consumer Price Index for All Urban Consumers.

DATES:

Effective date: This rule is effective on March 1, 2026.

Compliance date: Requests for premium processing postmarked on or after March 1, 2026, must include the new fee.

FOR FURTHER INFORMATION CONTACT: Office of Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone 240–721–3000 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Telecommunications Relay Service at 711.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

BLS—U.S. Bureau of Labor Statistics
CFR—Code of Federal Regulations
CPI—Consumer Price Index
CPI–U—Consumer Price Index for All Urban Consumers
CRA—Congressional Review Act
DHS—Department of Homeland Security
E.O.—Executive Order
FY—Fiscal Year
INA—Immigration and Nationality Act
NEPA—National Environmental Protection Act
NIW—National Interest Waiver
SBREFA—Small Business Regulatory Enforcement Fairness Act of 1996
USCIS—U.S. Citizenship and Immigration Services

I. Background and Authority

Section 286(u) of the Immigration and Nationality Act (INA), 8 U.S.C. 1356(u) provides the Secretary with specific authority to establish and collect a premium fee for the premium processing of certain immigration benefit types.[1] Premium processing means that DHS collects a fee in addition to the regular filing fee from persons or entities seeking expedited processing of eligible immigration benefit requests.[2]

In 2000, Congress added new section 286(u) to the INA, 8 U.S.C. 1356(u), to permit the former Immigration and Naturalization Service to designate certain employment-based immigration benefit requests for premium processing subject to an additional fee.[3] In 2001, the former Immigration and Naturalization Service, pursuant to its authority under sections 103(a) and 286(u) of the INA, 8 U.S.C. 1103(a) and 1356(u), promulgated a regulation that established the rules for the new premium processing service. *See* Establishing Premium Processing Service for Employment-Based Petitions

[1] ''Premium fees'' and ''premium processing fees'' are used interchangeably throughout this rule.

[2] *See* 8 CFR 1.2 for the definition of ''Benefit request''; *see* 8 CFR 106.4 for those immigration benefit requests currently eligible for premium processing.

[3] District of Columbia Appropriations Act of 2001, Public Law 106–553, App. B, tit. I, sec. 112, 114 Stat. 2762, 2762A–68 (Dec. 21, 2000).

and Applications, 66 FR 29682 (June 1, 2001).

On October 1, 2020, the Continuing Appropriations Act, which included the Emergency Stopgap USCIS Stabilization Act (USCIS Stabilization Act), set new fees for premium processing of immigration benefit requests that had been designated for premium processing as of August 1, 2020, and expanded DHS authority to establish and collect new premium processing fees, and to use those additional funds for expanded purposes. *See* Emergency Stopgap USCIS Stabilization Act, Public Law 116–159, sec. 4102 (Oct. 1, 2020); *see also* INA sec. 286(u), 8 U.S.C. 1356(u).

On October 16, 2020, USCIS announced it would increase the fees for premium processing, as required by the USCIS Stabilization Act, effective October 19, 2020.[4] As of that date, the fee for Form I–907, Request for Premium Processing Service, increased from $1,440 to $2,500 for all immigration benefit requests that were designated for premium processing as of August 1, 2020, with the exception of the premium processing fee for petitioners filing Form I–129, Petition for a Nonimmigrant Worker, requesting H–2B or R–1 nonimmigrant status, which increased from $1,440 to $1,500.

Effective May 31, 2022, DHS amended its premium processing regulations to codify the fees set by the USCIS Stabilization Act and establish new fees and processing timeframes consistent with the conditions and eligibility requirements set forth by section 4102(b)(1) of the USCIS Stabilization Act. *See* Implementation of the Emergency Stopgap USCIS Stabilization Act (USCIS Stabilization Rule), 87 FR 18227 (Mar. 30, 2022); *see also* 8 CFR 106.4.

The USCIS Stabilization Act also provided DHS with the authority to make a biennial inflationary based adjustment to USCIS premium processing fees. *See* INA sec. 286(u)(3)(C), 8 U.S.C. 1356(u)(3)(C). The first inflationary adjustment occurred when DHS published a final rule on December 23, 2023, to increase USCIS premium processing fees by the amount of inflation from June 2021 through June 2023 according to the Consumer Price Index for All Urban Consumers (CPI–U). *See* 88 FR 89539. The rule increased premium processing fees from $1,500 to $1,685, $1,750 to $1,965, and $2,500 to $2,805. USCIS announced the fee increases on its website on Dec. 27, 2023.[5] The new fees went into effect on February 26, 2024.

DHS is now increasing its premium processing fees based on the rate of inflation from June 2023 through June 2025, consistent with its statutory authority. *See* INA sec. 286(u)(3)(C), 8 U.S.C. 1356(u)(3)(C). DHS sets this inflationary adjustment to the premium processing fees to be effective on March 1, 2026, ensuring that the inflationary adjustment occurs on a biennial basis as set forth by Congress in the USCIS Stabilization Act. *See* INA sec. 286(u)(3)(C), 8 U.S.C. 1356(u)(3)(C).[6]

II. Basis for Adjustment

DHS may adjust the premium processing fees on a biennial basis by the percentage by which the CPI–U for the month of June preceding the date on which such adjustment takes effect exceeds the CPI–U for the same month of the second preceding calendar year. *See* INA sec. 286(u)(3)(C), 8 U.S.C. 1356(u)(3)(C); *see also* 8 CFR 106.4(d).

The USCIS Stabilization Act established a baseline for premium processing fees and provided the authority for DHS to adjust the premium fees on a biennial basis. DHS's most recent inflationary increase to premium processing fees became effective February 26, 2024. *See* 88 FR 89539. DHS is now increasing the statutory premium fees using inflation for the most recent two-year period, as authorized and provided by section 286(u)(3)(C) of the INA, 8 U.S.C. 1356(u)(3)(C). This rule is effective on March 1, 2026; therefore, ''the month of June preceding the date on which such adjustment takes effect'' is June 2025. As such, June 2023 is ''the same month of the second preceding calendar year,'' because it is two years before the June ''on which such adjustment takes effect.'' Therefore, DHS is using the CPI–U as of June 2025 as the end point, and June 2023 as the starting point for the period of inflation to establish the new premium processing fees. In June 2023 the CPI–U was 305.109 and in June 2025 it was 322.561.[7] Therefore, between June 2023 and June 2025, the CPI–U increased by 5.72 percent.[8] When this percentage increase is applied to the current premium processing fees, the premium processing fees that were $1,685, increase to $1,780; the premium processing fees that were $1,965, increase to $2,075; and the premium processing fees that were $2,805, increase to $2,965.[9] *See* new 8 CFR 106.4(c).

A request for premium processing postmarked on or after March 1, 2026, must include the new fee, as applicable to the benefit request classification. A premium processing request must be submitted on USCIS Form I–907, Request for Premium Processing, and in the manner prescribed by USCIS in the form instructions. If the request for premium processing is submitted together with the underlying immigration benefit request, all required fees in the correct amount must be paid. The fee to request premium processing service may not be waived and must be paid in addition to, and in a separate remittance from, other filing fees. *See* 8 CFR 106.4(b).

DHS is adjusting current premium processing fees to ensure that the premium processing fees keep pace with inflation as contemplated by Congress in the USCIS Stabilization Act. It is DHS's intention that premium processing fees will be adjusted biennially to consistently protect the real dollar value of the premium processing service that USCIS provides. When making an inflationary adjustment to the premium processing fees provided by INA sec. 286(u)(3)(C), 8 U.S.C. 1356(u)(3)(C), the adjustment is limited to the percentage by which the CPI–U for the month of June preceding the date on which such adjustment takes effect exceeds the CPI–U for the same month of the second preceding calendar year. By consistently adjusting premium processing fees biennially, the fees will more effectively keep up with the increasing USCIS costs of processing than is accomplished by adjusting them less often.

DHS will use the revenue generated by the premium processing fee increase to provide premium processing services; make improvements to adjudications processes; respond to adjudication demands, including processing

[4] *See* USCIS, Premium Processing Fee Increase Effective Oct. 19, 2020, *https://www.uscis.gov/news/premium-processing-fee-increase-effective-oct-19-2020* (last visited July 11, 2025).

[5] USCIS, USCIS Announces Inflation Adjustment to Premium Processing Fees, *https://www.uscis.gov/newsroom/alerts/uscis-announces-inflation-adjustment-to-premium-processing-fees* (Dec. 27, 2023).

[6] The last CPI–U adjustment to the premium processing fees took effect on February 26, 2024. *See* 88 FR 89539. Two years from that date (accounting for the weekend) is March 1, 2026.

[7] The latest CPI–U data is available at *https://data.bls.gov/toppicks?survey=bls* (last visited 7/15/2025). Select CPI–U 1982 – 84 = 100 (Unadjusted)—CUUR0000SA0 and click the Retrieve data button.

[8] DHS calculated this by subtracting the June 2023 CPI–U (305.109) from the June 2025 CPI–U (322.561), then dividing the result (17.452) by the June 2023 CPI–U (305.109). Calculation: (322.561 – 305.109)/305.109 = .0572 × 100 = 5.72 percent.

[9] DHS generally rounds USCIS fees that it establishes by rulemaking to the nearest $5 increment. *See e.g.,* 89 FR 6194, 6212 (Jan. 31, 2024).

backlogs; and otherwise fund USCIS adjudication and naturalization services.

III. Statutory and Regulatory Requirements

A. Administrative Procedure Act

The Administrative Procedure Act generally requires agencies to issue a proposed rule before issuing a final rule, subject to certain exceptions. *See* 5 U.S.C. 553(b). Section 286(u)(3)(C) of the INA, 8 U.S.C. 1356 (u)(3)(C), exempts DHS from the requirements of 5 U.S.C. 553. Section 286(u)(3)(C) of the INA, 8 U.S.C. 1356(u)(3)(C), specifically provides that ''the provisions of section 553 of Title 5 shall not apply to an adjustment authorized under [section 286(u)(3)(C) of the INA, 8 U.S.C. 1356(u)(3)(C)].'' Therefore, DHS is not required to issue a proposed rule when adjusting premium fees under section 286(u)(3)(C) of the INA, 8 U.S.C. 1356 (u)(3)(C).

The regulations at 8 CFR 106.4(d) provide that fees to request premium processing service may be adjusted by notice in the **Federal Register**. However, the Federal Register Act (44 U.S.C. 1510) and its implementing regulations (1 CFR part 21) provide that publishing a Notice document in the **Federal Register** announcing a new fee amount, without amending the regulations, does not effectuate a change of the Code of Federal Regulations (CFR). Because current premium processing fees are codified in the CFR, it is necessary for DHS to publish this rule to amend the regulatory text.

B. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and Executive Order 14192 (Unleashing Prosperity Through Deregulation)

Executive Orders 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with the new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

The Office of Management and Budget (OMB) has not designated this rule a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed it.

This rule is not an Executive Order 14192 (see 5(a)) regulatory action because it is not significant under Executive Order 12866 and is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in INA sec. 101(a)(17), 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation'' (Mar. 26, 2025).

DHS estimates an additional annual transfer to DHS of $77,119,780 (undiscounted) in revenue to be collected from fee-paying applicants and petitioners (public), due to the increase in premium processing fees subject to an adjustment for inflation (Table 1).[10]

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[10] Additional revenue collected calculation: $50,132,815 + $21,701,760 + $513,260 + $4,771,945 = $77,119,780 for forms I–129, I–140, I–539 and I–765, respectively.

Table 1. Summary of Provisions and Impacts of the Final Rule			
Rule Provisions	**Description of Changes to Provisions**	**Estimated Annual Form Receipts with Premium Processing**	**Estimated Annual Change in Transfers**
1. Form I-129, Petition for a Nonimmigrant Worker	This rule increases the premium processing fees for Form I-129. The premium processing fee for petitions requesting H-2B or R-1 nonimmigrant classification will increase from $1,685 to $1,780. The premium processing fee for all other available Form I-129 classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2) will increase from $2,805 to $2,965.	Form I-129 petitions for H-2B or R-1 classification: 13,649 All other Form I-129 petitions: 305,226 Total Form I-129 receipts: 318,874	This will result in an increase in transfer payments from the Form I-129 fee-paying population to DHS of $50,132,815.
2. Form I-140, Immigrant Petition for Alien Workers	This rule increases the premium processing fees for Form I-140. The premium processing fee for employment-based (EB) classifications E11, E12, E21 (non-NIW), E31, E32, EW3, as well as recently available E13 and E21 (NIW), will increase from $2,805 to $2,965.	Form I-140 E11, E12, E21 (non-NIW), E31, E32, EW3 Classifications: 100,286 Form I-140 E13 and E21 (NIW) Classifications: 35,350 Total Form I-140 receipts: 135,636	This will result in an increase in transfer payments from the Form I-140 fee-paying population to DHS of $21,701,760.
3. Form I-539, Application to Extend/Change Nonimmigrant Status	This rule increases the premium processing fees for Form I-539 applications requesting F-1, F-2, M-1, M-2, J-1, and J-2, nonimmigrant status. The premium processing fee for these applications will increase from $1,965 to $2,075.	Form I-539 for F-1, F-2, M-1, M-2, J-1, or J-2 nonimmigrant status: 4,666	This will result in an increase in transfer payments from the Form I-539 fee-paying population to DHS of $513,260.
4. Form I-765, Application for Employment Authorization	This rule increases the premium processing fees for Form I-765. The premium processing fee for eligible Form I-765 applications will increase from $1,685 to $1,780.	Form I-765 OPT and OPT-STEM Classifications Currently Eligible: 50,231	This will result in an increase in transfer payments from the Form I-765 fee-paying population to DHS of $4,771,945.

In addition to the impacts summarized above, Table 1a. below presents the prepared accounting statement showing the costs and benefits to each individual affected by this final rule.[11]

[11] White House, OMB, *Circular A–4* (April 6, 2023), available at *https://www.whitehouse.gov/wp-content/uploads/2023/11/CircularA-4.pdf* (last viewed Aug 14, 2025). OMB, Circular A–4, ''Regulatory Analysis,'' p. 93 (Nov. 9, 2023), *https://trumpwhitehouse.archives.gov/sites/whitehouse.gov/files/omb/circulars/A4/a-4.pdf.*

Table 1a. OMB A-4 Accounting Statement ($ millions, 2024) Time Period: FY 2026 through FY 2027				
Category	**Primary Estimate**	**Minimum Estimate**	**Maximum Estimate**	**Source Citation**
BENEFITS				
Monetized Benefits	N/A			Regulatory Impact Analysis (RIA) See E.O. 12866
Annualized quantified, but unmonetized, benefits	N/A	N/A	N/A	E.O. 12866
Unquantified Benefits	The primary benefit of the rule ensures DHS receives premium processing fees that track with inflationary adjustments, thus enabling the real dollar value of the premium service provided to not be devalued. The fee adjustment is essential to support USCIS operations, enhance adjudication processes, and better ensure the continued provision of premium processing services to applicants and petitioners. Regular biennial adjustments are critical to sustaining the efficiency and effectiveness of premium processing services while addressing inflationary impacts.			E.O. 12866
COSTS				
Annualized monetized costs (7%)	N/A	N/A	N/A	E.O. 12866
Annualized monetized costs (3%)	N/A	N/A	N/A	
Annualized quantified, but unmonetized, costs	N/A			
Qualitative (unquantified) costs	N/A			E.O 12866
TRANSFERS				
Annualized monetized transfers	$77	N/A	N/A	E.O. 12866
From whom to whom?	From the fee-paying applicants and petitioners of Forms I-129, I-140, I-539, and I-765 to DHS.			
Qualitative (unquantified) transfers	None			None
Miscellaneous Analyses/Category	***Effects***			***Source Citation***
Effects on State, local, or tribal governments	None			None
Effects on small businesses	None			None
Effects on wages	None			None
Effects on growth	None			None

1. Form I–907, Request for Premium Processing Services Filed for Forms I–129 and I–140

Table 2 shows the estimated total receipts received and refunds issued by USCIS for Form I–907, Request for Premium Processing Service, filed for Forms I–129 and I–140 petitions, from fiscal year (FY) 2020 through FY 2024. Based on a 5-year annual average, DHS estimates the annual receipts for Forms I–907 to be 419,161 for the biennial period after this rule takes effect. In addition, based on the 5-year average, the annual number of refunds issued for Form I–907 is estimated to be 355.[12]

Table 2. Form I-907, Request for Premium Processing Service, Receipts and Refunds Issued, FY 2020 through FY 2024.

	Form I-907 Receipts			Form I-907 Refunds*		
FY	**Form I-129**	**Form I-140**	**Total**	**Form I-129**	**Form I-140**	**Total**
2020	276,104	64,542	340,646	647	63	710
2021	309,599	107,954	417,553	168	155	323
2022	394,030	96,687	490,717	255	50	305
2023	314,539	110,349	424,888	221	32	253
2024	300,100	121,900	422,000	164	20	184
5-year Total	**1,594,372**	**501,432**	**2,095,804**	**1,455**	**320**	**1,775**
5-year Annual Average	**318,874**	**100,286**	**419,161**	**291**	**64**	**355**

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, CLAIMS3 and ELIS database, August 2025. *Note: For refunds, the report reflects the most up-to-date data available at the time the system was queried. Any duplicate case information has been removed.

2. Form I–129, Petition for a Nonimmigrant Worker, Transfer Payments

Currently, petitioners requesting certain benefits on Form I–129, Petition for a Nonimmigrant Worker, are eligible to also submit a request for premium processing with their immigration benefit request or while the immigration benefit request is pending with USCIS. Table 3 shows the population of petitioners who submitted Form I–907 for Form I–129 based on the corresponding nonimmigrant classifications from FY 2020 through FY 2024.

Based on a 5-year annual average, DHS estimates the annual receipts from Form I–907 filed for Form I–129 H–2B or R–1 classifications to be 13,649. Based on a 5-year annual average, DHS estimates the annual receipts for Form I–907 associated with Forms I–129 to be 318,874, and assumes this annual number for the biennial period after the rule takes effect.

[12] USCIS presents data on refunds issued by USCIS because DHS regulations require USCIS to take certain adjudicative action for premium processing requests within 15, 30 or 45 days, depending on the underlying benefit request type, or refund the premium processing fee. *See* 8 CFR 106.4(e) and (f). The required period generally begins when USCIS properly receives the correct version of Form I–907, Request for Premium Processing Service, with fee, at the correct filing address or the date that all prerequisites for adjudication, the form prescribed by USCIS, and fee(s) are received by USCIS. Within the required period, USCIS must issue either an approval notice, denial notice, notice of intent to deny, or request for evidence, or open an investigation for fraud or misrepresentation. Otherwise, USCIS must refund the premium processing fee.

Table 3. Form I-907, Request for Premium Processing Service, filed for Form I-129, Petition for a Nonimmigrant Worker, FY 2020 through FY 2024.

FY	Form I-129 H-2B or R-1 Request Receipts	Form I-129 All Other Request Receipts*	Total Form I-907 Receipts
2020	7,125	268,979	276,104
2021	11,866	297,733	309,599
2022	15,838	378,192	394,030
2023	16,312	298,227	314,539
2024	17,103	282,997	300,100
5-year Total	**68,244**	**1,526,128**	**1,594,372**
5-year Annual Average	**13,649**	**305,226**	**318,874**

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, CLAIMS3 and ELIS database, August 2025. *Note: "All Other" includes Forms I-129 for the following classifications: E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2. H-2B or R-1 equals 4.2% and "All Other" I-129 equals 95.8%. of Total Form I-907 Receipts filed for a Form I-129 petition.

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This rule increases the premium processing fees for Forms I–907 filed for Form I–129 benefit requests. The premium processing fee for Forms I–907 requesting H–2B or R–1 nonimmigrant classification will increase from $1,685 to $1,780, an increase of $95, which is the result of a 5.72 percent increase in the CPI–U from June 2023 to June 2025.[13] The premium processing fee for all other eligible Form I–129 classifications (E–1, E–2, E–3, H–1B, H–3, L–1A, L–1B, LZ, O–1, O–2, P–1, P–1S, P–2, P–2S, P–3, P–3S, Q–1, TN–1, and TN–2) will increase from $2,805 to $2,965, an increase of $160. Because the premium processing fee for H–2B and R–1 benefit requests will increase by a different amount than for all other Form I–129 classifications, the data for Forms I–129 requesting H–2B or R–1 classification was separated from the data for all other classifications.

Based on a 5-year annual average, DHS estimates an additional $1,296,655 annually in transfer payments will be collected from these new, higher premium processing fees for Forms I–129 requesting H–2B or R–1 classification.[14] DHS estimates it will collect an additional $48,836,160 annually in transfer payments to DHS from premium processing requestors filing Form I–129 for all other eligible nonimmigrant classifications, based on a 5-year annual average.[15] Accordingly, DHS estimates the total increase in transfer payments from the Form I–129 fee-paying population to DHS will be $50,132,815 (Table 4) annually.

[13] The latest CPI–U data is available at *https://data.bls.gov/toppicks?survey=bls* (last visited July 15, 2025). Select CPI–U 1982 – 84 = 100 (Unadjusted)—CUUR0000SA0 and click the Retrieve data button. DHS calculated this by subtracting the June 2023 CPI–U (305.109) from the June 2025 CPI–U (322.561), then dividing the result (17.452) by the June 2023 CPI–U (305.109). Calculation: (322.561 – 305.109)/305.109 = .0572 × 100 = 5.72 percent.

[14] Calculation: 13,649 annual Form I–129 petitions for H–2B or R–1 classification × $95 ($1,780 fee – $1,685 fee) = $1,296,655.

[15] Calculation: 305,226 annual Form I–129 petitions for classifications other than H–2B and R–1 × $160 ($2,965 fee – $2,805 fee) = $48,836,160.

Table 4. Fees for Form I-907, Request for Premium Processing Service, filed for Form I-129, Petition for a Nonimmigrant Worker.			
Period of Analysis	**5-year Annual Average Receipts (FY 2020 through FY 2024)**	**Fee**	**Total Annual Fee Revenue**
2023 CPI-U Adjustment (Baseline Costs)	13,649	$1,685	$22,998,565
2025 CPI-U Adjustment	13,649	$1,780	$24,295,220
Change in Transfer Payments for Form I-129 H-2B and R-1			**$1,296,655**
2023 CPI-U Adjustment (Baseline Costs)	305,226	$2,805	$856,158,930
2025 CPI-U Adjustment	305,226	$2,965	$904,995,090
Change in Transfer Payments for Form I-129 All Other*			**$48,836,160**
Total Change in Transfer Payments for Form I-129			**$50,132,815**
Source: USCIS Analysis *Note: All other includes the following classifications (E-1, E-2, E-3, H-1B, H-3, L-1A, L-1B, LZ, O-1, O-2, P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1, TN-1, and TN-2)			

3. Form I–140, Immigrant Petition for Alien Worker, Transfer Payments

The estimated population of petitioners who submitted Form I–907, Request for Premium Processing Service, for Form I–140, Immigrant Petition for Alien Workers, based on the corresponding employment-based (EB) classifications that are currently designated for premium processing is 100,286 (Table 2) per year. The fee for all Form I–140 petitioners requesting premium processing will increase from $2,805 to $2,965, an increase of $160 based on the 5.72 percent increase in the CPI–U from June 2023 to June 2025.[16] Using the historical 5-year annual average from FY 2020 through FY 2024, DHS estimates that as a result of the increase in filing fees for premium processing the additional annual transfer payments from the Form I–140 fee-paying population that request premium processing to DHS will be $16,045,760 (Table 5).

Table 5. Fees for Form I-907, Request for Premium Processing Service, currently filed for Form I-140, Immigrant Petition for Alien Workers*			
Period of Analysis	**5-year Annual Average Receipts (FY 2020 through FY 2024)**	**Fee**	**Total Annual Fee Revenue**
2023 CPI-U Adjustment (Baseline Costs)	100,286	$2,805	$281,302,230
2025 CPI-U Adjustment	100,286	$2,965	$297,347,990
Total Change in Transfer Payments for Form I-140			**$16,045,760**
Source: USCIS Analysis * Note: Classifications: E11, E12, E21 (non-NIW), E31, E32, EW3			

Additionally, as of January 30, 2023, Form I–140 petitions under an E13 multinational executive and manager classification and petitions under an E21 national interest waiver (NIW) classification are eligible to request premium processing. Table 6 shows the E13 multinational executive and manager classification and E21 (NIW) classification populations. Based on FY 2024 data (excluding the partial FY 2023 totals), DHS estimates the annual average receipts of Form I–140, E13 and Form I–140, E21 (NIW) to be 79,119 (Table 6).

[16] *See supra* FN 8.

Table 6. Form I-140, Immigrant Petition for Alien Workers, E13 and E21 (NIW) Classifications, FY 2020 through FY 2024.	
FY	**E13 & E21 (NIW) Total Petitions**
2023	55,667
2024	79,119
2-year Total	**134,786**
2-year Annual Average	**67,393**
Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, CLAIMS3 and ELIS database, August 2025.	

Since Forms I–140 for E13 and E21 (NIW) classification have only been recently eligible to request premium processing, DHS estimates the percentage of petitioners who will request E13 or E21 (NIW) classification based on FY 2024 data. The E21(NIW) classification began in 2023. So, in previous years we had reported the E13 and E21 classification for those years rather than the E21(NIW) classification that is actually eligible for premium processing now. In FY 2024, premium processing was requested for 35,350 Forms I–140 with E13 or E21 (NIW) classification from a total of 79,119 Forms I–140 requesting E13 or E21 (NIW) classification (Table 6). DHS calculates 45 percent of the eligible population opting for premium processing.[17] DHS estimates 35,350 will annually request premium processing for Forms I–140 with E13 or E21 (NIW) classification.[18]

In Table 7, DHS uses the annual 35,350 premium processing estimate for Forms I–140 requesting E13 or E21 (NIW) classification to estimate transfer payments to DHS. The fee for all Form I–140 petitioners requesting premium processing will increase from $2,805 to $2,965, an increase of $160 based on the 5.72 percent increase in the CPI–U from June 2023 to June 2025.[19]

DHS estimates that as a result of the increase in filing fees for premium processing the additional annual transfer payments to DHS from these Form I–140 fee-paying populations will be $5,656,000 (Table 7).

Table 7. Fees for Form I-907, Request for Premium Processing Service, currently filed for Form I-140, Immigrant Petition for Alien Workers*			
Period of Analysis	**Annual Average Receipts (FY 2024)**	**Fee**	**Total Annual Fee Revenue**
2023 CPI-U Adjustment (Baseline Costs)	35,350	$2,805	$99,156,750
2025 CPI-U Adjustment	35,350	$2,965	$104,812,750
Total Change in Transfer Payments for Form I-140			**$5,656,000**
Source: USCIS Analysis * Note: Classifications: E13 and E21 (NIW)			

DHS estimates that the combined additional annual transfer payments to DHS for premium processing requests for Form I–140, Immigrant Petition for Alien Worker, will be $21,701,760 ($16,045,760 + $5,656,000) per year.

4. Form I–539, Application To Extend/Change Nonimmigrant Status, Transfer Payments

The USCIS Stabilization Act authorized USCIS to permit premium processing for newly eligible Form I–539 filers. Per the statute, the fee was originally set at $1,750 and was subsequently increased to $1,965 by the 2023 CPI–U Adjustment. *See* 88 FR 89539 (Dec. 28, 2023). In June 2023, USCIS announced premium processing eligibility for change of status filers to the F–1, F–2, J–1, J–2, M–1, and M–2 classifications.[20] This newly eligible population of filers are students and exchange visitors (and their eligible dependents).

Because premium processing was allowed for these classifications recently, at the time of this analysis, DHS only has data for one full fiscal year (FY 2024) for eligible Form I–539 applicants that chose to submit premium processing requests. In FY 2024, a total of 6,838 Form I–539 filers requested premium processing of a change of status request to F–1, F–2, J–1, J–2, M–1, or M–2 nonimmigrant status. In FY 2024, the total number of applications requesting a change of status to F–1, F–2, J–1, J–2, M–1, or M–2 nonimmigrant status was 45,735. Thus, 15 percent of all F–1, F–2, J–1, J–2, M–1, and M–2 change of status

[17] Calculation: 35,350 ÷ 79,119 = 0.45.

[18] Calculation: 35,350 = 79,119 (annual average of I–140 forms with E13 & E21 (NIW)) × 45%.

[19] *See supra* FN 8.

[20] *https://www.uscis.gov/newsroom/alerts/uscis-expands-premium-processing-for-applicants-seeking-to-change-into-f-m-or-j-nonimmigrant-status* (last updated June 12, 2023).

requests for FY 2024 requested premium processing.[21]

For purposes of this analysis, we present historical Form I–539 filing rates for the F–1, F–2, J–1, J–2, M–1, and M–2 classifications and use the 15 percent premium processing demand rate to estimate premium processing receipts for FY 2020 through FY 2024. Table 8 shows the annual average receipt volumes and estimated premium processing receipts for FY 2020 through FY 2024. DHS estimates the 5-year annual average of the currently eligible F–1, F–2, J–1, J–2, M–1, M–2 classifications to be 31,104.

Table 8. USCIS Total of Form I-539, Application to Extend/Change Nonimmigrant Status, Receipts by Classification, FY 2020 through FY 2024.

FY	F-1, F-2, J-1, J-2, M-1, M-2 Total
2020	26,334
2021	18,273
2022	27,912
2023	37,268
2024	45,735
5-year Total	**155,522**
5-year Annual Average	**31,104**

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality. CLAIMS3 & ELIS, queried August 2025.
*Note: While premium processing was not turned on in FY 2022 there are a few cases that were submitted with a premium processing request. These are cases where the receipt FY is 2022 but the premium processing request was received in FY 2023 or 2024.

Using the estimated number of 5-year annual premium processing requests, DHS estimates there will be 4,666 annual premium processing filings for Form I–539 with the F–1, F–2, J–1, J–2, M–1, and M–2 classifications.[22] The Form I–907 fee for all Form I–539 applicants requesting premium processing will increase from $1,965 to $2,075, an increase of $110 based on the 5.72 percent increase in the CPI–U from June 2023 to June 2025.[23] The increase in filing fees for premium processing requests for Form I–539 applications results in annual transfer payments from the Form I–539 fee-paying population to DHS of $513,260 (Table 9).

Table 9. Fees for Form I-907, Request for Premium Processing Service, for Form I-539, Application to Extend/Change Nonimmigrant Status.

Period of Analysis	5-year Annual Average Receipts (FY 2020 through FY 2024)	Fee	Total Annual Fee Revenue
F-1, F-2, J-1, J-2, M-1, M-2 classifications:			
2023 CPI-U Adjustment (Baseline Costs)	4,666	$1,965	$9,168,690
2025 CPI-U Adjustment	4,666	$2,075	$9,681,950
Total Transfer Payments			**$513,260**

Source: USCIS analysis.

5. Form I–765, Application for Employment Authorization, Transfer Payments

The USCIS Stabilization Act authorized USCIS to permit premium processing of the Form I–765, Application for Employment Authorization. The 2023 CPI–U Adjustment set the fee for the premium processing of Form I–765 at $1,685. USCIS began premium processing for Forms I–765 for students applying for Optional Practical Training (OPT) and students seeking science, technology, engineering, and mathematics (STEM) OPT extensions in March 2023.[24] This rule increases the premium processing fees for Form I–765. The premium processing fee for Form I–765 will increase from $1,685 to $1,780 an increase of $95, which is the result of a 5.72 percent increase in the CPI–U from June 2023 to June 2025.[25]

Table 10 shows the estimated OPT and STEM–OPT populations that are now eligible. Based on a 5-year annual average, DHS estimates the annual

[21] Calculation: 6,838 ÷ 45,735 = 0.15.
[22] Calculation: 31,104 × 15% = 4,666.
[23] *See supra* FN 8.
[24] *See https://www.uscis.gov/forms/all-forms/how-do-i-request-premium-processing* (last updated June 18, 2024).
[25] *See supra* FN 8.

average receipts of Form I–765 from the OPT and STEM–OPT populations to be 218,394.

DHS had estimated the annual average receipts to be 102,495 from additional categories of Form I–765 that may become eligible for premium processing in the future.[26] However, DHS does not know when those will become eligible, and this population is not included in Table 10.

As of March 6, 2023, certain F–1 students seeking Optional Practical Training (OPT) and F–1 students seeking science, technology, engineering, and mathematics (STEM) OPT extensions who have a pending Form I–765 and wish to request a premium processing upgrade, were eligible to file Form I–907 online. As of April 3, 2023, all pending and initial Form I–765 applications filed by F–1 students in these categories are eligible to request premium processing. Because premium processing for these Form I–765 categories was turned on mid-2023, DHS will use the percentage of Form I–765 applicants from FY 2024 with a premium processing request to estimate the number of Form I–765 applications filed by F–1 students requesting premium processing after this rule takes effect.

The USCIS Stabilization Rule's Regulatory Impact Analysis further projected 1,136,691 annual Form I–765 receipts belonging to classifications for which USCIS will consider, but has no immediate plans to expand premium processing eligibility as well as a final group of 802,145 belonging to Form I–765 classifications USCIS is unlikely to make eligible for premium processing.[27] These projected groups are excluded from Table 10 and this Rule's analysis because they are unlikely to be impacted by the decision to adjust premium processing fees for inflation over this biennial cycle. These impacts would be more appropriately quantified in a future inflation adjustment rule, when some reasonable expectation exists that premium processing eligibility for these Form I–765 classifications is likely in the future.

Table 10. Form I-765, Application for Employment Authorization, FY 2020 through FY 2024

FY	Form I-765 OPT STEM-OPT receipts currently eligible
2020	198,498
2021	173,770
2022	188,248
2023	236,903
2024	294,551
5-year Total	**1,091,970**
5-Year Annual Average	**218,394**

Source: Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, CLAIMS3 and ELIS database, August 2025. *Note: Premium Processing was turned on (available) for this population in 2023.

Since Form I–765 OPT and STEM–OPT applicants have only been recently eligible to request premium processing, DHS estimates the percentage of applicants who will apply based on FY 2024 data. In FY 2024, there were 66,312 Form I–765 premium processing receipts for eligible 294,551 Form I–765 OPT and STEM–OPT applicants, resulting in 23 percent requesting premium processing.[28] DHS estimates that 50,231 applicants (23 percent of the eligible population) out of the 218,394 (Table 10) Form I–765 OPT and STEM–OPT applicants who apply annually will submit a premium processing request with their Form I–765 application.

In Table 11, DHS uses the 50,231 population estimate from OPT and OPT–STEM population to estimate transfer payments to DHS. The Form I–907 fee for all Form I–765 applicants requesting premium processing will increase from $1,685 to $1,780, an increase of $95 based on the 5.72 percent increase in the CPI–U from June 2023 to June 2025.[29] DHS estimates that annual transfer payments to DHS from currently eligible OPT and OPT–STEM Form I–765 applicants requesting premium processing using Form I–907 will be 4,771,945.

[26] *See* Implementation of the Emergency Stopgap USCIS Stabilization Act, 87 FR 18227 (Mar. 30, 2022).

[27] The Implementation of the Emergency Stopgap USCIS Stabilization Act Final Rule, published March 30, 2022 estimated the number of newly eligible applicants beginning around FY 2025 based on data from FY 2017 through FY 2021 actuals. This still serves as a reasonable measure should this population become available for premium processing in the near future. *See* 87 FR 18250.

[28] 0.23 = 66,312 ÷ 294,551.

[29] *See supra* FN 8.

Table 11. Fees for Form I-765, Application for Employment Authorization, Applicants Requesting Premium Processing using Form I-907, Request for Premium Processing Service.			
Period of Analysis	**5-year Annual Average Receipts (FY 2020 through FY 2024)**	**Fee**	**Total Annual Fee Revenue**
Form I-765 OPT and OPT-STEM Receipts Currently Eligible:			
2023 CPI-U Adjustment (Baseline Costs)	50,231	$1,685	$84,639,235
2025 CPI-U Adjustment	50,231	$1,780	$89,411,180
Total Transfer Payments			**$4,771,945**
Source: USCIS Analysis			

6. Transfer Payments

DHS summarizes the estimated annual transfer payments from currently eligible Form I–129 and I–140 petitioners to DHS, and the estimated annual transfer payments from newly eligible classification Form I–140 petitioners, Form I–539 applicants, and Form I–765 applicants to DHS. Table 12 details that the estimated annual transfer payments of this final rule from the currently eligible Form I–129, Form I–140 and newly eligible Form I–140, Form I–539 and Form I–765 fee-paying population to DHS will be $77,119,780 due to the increase in premium processing filing fees.

Table 12. Summary of Estimated Total Transfer Payments from Fee-Paying Form I-129 and Form I-140 Petitioners and Newly Eligible Form I-140 Petitioners, Form I-539 Applicants and Form I-765 Applicants to DHS in this Final Rule, FY 2022 through FY 2024.	
Description	**Estimated Annual Transfer Payments**
Form I-129, Petition for a Nonimmigrant Worker	$50,132,815
Form I-140, Immigrant Petition for Alien Workers	$16,045,760
Newly Eligible Form I-140, Immigrant Petition for Alien Workers, Transfers	$5,656,000
Form I-539, Application to Extend/Change Nonimmigrant Status, Transfers	$513,260
Form I-765, Application for Employment Authorization, Transfers	$4,771,945
Annual Transfers (undiscounted)	**$77,119,780**
Source: USCIS Analysis	

7. Discounted Costs and Transfer Payments

The Continuing Appropriations Act, 2021 and Other Extensions Act, signed into law on October 1, 2020, contained the Emergency Stopgap USCIS Stabilization Act, which set new fees for premium processing of immigration benefit requests that had been designated for premium processing as of August 1, 2020, and expanded USCIS authority to establish and collect new premium processing fees and to use those additional funds for expanded purposes. For FY 2026 and FY 2027, DHS estimates the total annualized transfer payments to be $77,119,780.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice-and-comment rulemaking. This rule is exempted from notice-and-comment rulemaking by INA sec. 286(u)(3)(C), 8 U.S.C. 1356(u)(3)(C). Therefore, a regulatory flexibility analysis is not required for this rule.

D. Unfunded Mandates Reform Act of 1995 (UMRA)

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments.[30] Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which the agency published a proposed rule, which includes any Federal mandate that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. *See* 2 U.S.C. 1532(a). The inflation adjusted value of $100 million in 1995 is approximately $206 million in 2024 based on the CPI–U.[31]

[30] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1), 658(5), (6).

[31] *See* BLS, ''Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, by month,'' *https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202412.pdf* (last visited Feb. 4, 2025). Calculation of inflation: (1)

This final rule is exempt from the written statement requirement because DHS did not publish a notice of proposed rulemaking for this rule. This final rule does not contain a Federal mandate as the term is defined under UMRA. *See* 2 U.S.C. 1502(1), 658(6).

E. Small Business Enforcement Fairness Act of 1996 (Congressional Review Act)

The Congressional Review Act (CRA) was included as part of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) by section 804 of SBREFA, Public Law 104–121, 110 Stat. 847, 868, *et seq.* The Office of Information and Regulatory Affairs (OIRA) has determined that this rule is not a major rule as defined by Section 804 of SBREFA because it is not likely to result in an annual effect on the economy of $100 million or more. *See* 5 U.S.C. 804(2)(A). DHS has complied with the CRA's reporting requirements and has sent this final rule to Congress and to the Comptroller General as required by 5 U.S.C. 801(a)(1).

F. Executive Order 13132 (Federalism)

This final rule 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. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

This final rule was drafted and reviewed in accordance with Executive Order 12988, Civil Justice Reform. This final rule was written to provide a clear legal standard for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this rule meets the applicable standards provided in section 3(a) and 3 (b)(2) of Executive Order 12988.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This final rule will not have tribal implications under Executive Order 13175, Consultation and Coordination With Indian Tribal Governments, because it does not have substantial direct effects 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.

I. Family Assessment

DHS has reviewed this rule in line with the requirements of section 654 of the Treasury General Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998). DHS has systematically reviewed the criteria specified in section 654(c)(1), by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines a regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

DHS has determined that the implementation of this regulation will not negatively affect family well-being and will not have any impact on the autonomy and integrity of the family as an institution.

J. National Environment Policy Act (NEPA)

DHS and its components analyze proposed regulatory actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* applies and, if so, what degree of analysis is required. DHS Directive 023–01 Rev. 01 ''Implementing the National Environmental Policy Act'' (Directive) and Instruction Manual 023–01–001–01 Rev. 01 (Instruction Manual) [32] establish the policies and procedures that DHS and its components use to comply with NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.[33] The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.[34]

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) The entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.[35]

This rule is limited to adjusting the premium processing fees on a biennial basis. This rule is strictly administrative and procedural and amends DHS's existing regulations by adjusting the fees that must be paid to request premium processing of immigration benefits. DHS has reviewed this rule and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this rule.

Accordingly, DHS finds that the promulgation of this rule's amendments to current regulations clearly fits within the categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect.

K. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–12, DHS must submit to OMB, for review and approval, any reporting requirements inherent in a rule unless they are exempt. This rule does not impose any new reporting or recordkeeping requirements under the Paperwork Reduction Act. USCIS will update Form G–1055, Fee Schedule, as appropriate.

List of Subjects in 8 CFR Part 106

Citizenship and naturalization, Fees, Immigration.

Calculate the average monthly CPI–U for the reference year (1995) and the current year (2024); (2) Subtract reference year CPI–U from current year CPI–U; (3) Divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) Multiply by 100 = [(Average monthly CPI–U for 2024–Average monthly CPI–U for 1995) ÷ (Average monthly CPI–U for 1995)] × 100 = [(313.689 − 152.383) ÷ 152.383] = (161.306/152.383) = 1.059 × 100 = 105.86% percent = 106 percent (rounded). Calculation of inflation-adjusted value: $100 million in 1995 dollars × 2.06 = $206 million in 2024 dollars.

[32] The Instruction Manual contains DHS's procedures for implementing NEPA and was issued November 6, 2014, *https://www.dhs.gov/ocrso/eed/epb/nepa* (last updated July 29, 2025).

[33] *See* 42 U.S.C. 4336(a)(2), 4336e(1).

[34] *See* Instruction Manual, Appendix A, Table 1.

[35] Instruction Manual at V.B(2)(a)–(c).

Accordingly, DHS amends part 106 chapter I of title 8 of the Code of Federal Regulations as follows:

PART 106—USCIS FEE SCHEDULE

■ 1. The authority citation for part 106 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1254a, 1254b, 1304, 1356; Pub. L. 107–609; 48 U.S.C. 1806; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 101 note); Pub. L. 115–218, 132 Stat. 1547; Pub. L. 116–159, 134 Stat. 709.

■ 2. Section 106.4 is amended by revising paragraph (c) to read as follows:

§ 106.4 Premium processing service.

* * * * *

(c) *Designated benefit requests and fee amounts.* Benefit requests designated for premium processing and the corresponding fees to request premium processing service are as follows:

(1) Application for classification of a nonimmigrant described in section 101(a)(15)(E)(i), (ii), or (iii) of the INA—$2,965.

(2) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(i)(b) of the INA or section 222(a) of the Immigration Act of 1990, Public Law 101–649—$2,965.

(3) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(ii)(b) of the INA—$1,780.

(4) Petition for classification of a nonimmigrant described in section 101(a)(15)(H)(iii) of the INA—$2,965.

(5) Petition for classification of a nonimmigrant described in section 101(a)(15)(L) of the INA—$2,965.

(6) Petition for classification of a nonimmigrant described in section 101(a)(15)(O)(i) or (ii) of the INA—$2,965.

(7) Petition for classification of a nonimmigrant described in section 101(a)(15)(P)(i), (ii), or (iii) of the INA—$2,965.

(8) Petition for classification of a nonimmigrant described in section 101(a)(15)(Q) of the INA—$2,965.

(9) Petition for classification of a nonimmigrant described in section 101(a)(15)(R) of the INA—$1,780.

(10) Application for classification of a nonimmigrant described in section 214(e) of the INA—$2,965.

(11) Petition for classification under section 203(b)(1)(A) of the INA—$2,965.

(12) Petition for classification under section 203(b)(1)(B) of the INA—$2,965.

(13) Petition for classification under section 203(b)(2)(A) of the INA not involving a waiver under section 203(b)(2)(B) of the INA—$2,965.

(14) Petition for classification under section 203(b)(3)(A)(i) of the INA—$2,965.

(15) Petition for classification under section 203(b)(3)(A)(ii) of the INA—$2,965.

(16) Petition for classification under section 203(b)(3)(A)(iii) of the INA—$2,965.

(17) Petition for classification under section 203(b)(1)(C) of the INA—$2,965.

(18) Petition for classification under section 203(b)(2) of the INA involving a waiver under section 203(b)(2)(B) of the INA—$2,965.

(19) Application under section 248 of the INA to change status to a classification described in section 101(a)(15)(F), (J), or (M) of the INA—$2,075.

(20) Application under section 248 of the INA to change status to be classified as a dependent of a nonimmigrant described in section 101(a)(15)(E), (H), (L), (O), (P), or (R) of the INA, or to extend stay in such classification—$2,075.

(21) Application for employment authorization—$1,780.

* * * * *

Kristi Noem,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2026–00321 Filed 1–9–26; 8:45 am]

BILLING CODE 9111–97–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 792

RIN 3133–AG06

Privacy Act Exemption; Correction

AGENCY: National Credit Union Administration (NCUA).

ACTION: Interim final rule; request for comments.

SUMMARY: In accordance with the Privacy Act of 1974, the National Credit Union Administration (NCUA) Board is issuing this interim final rule to make a correction to the numbering of one system of records and to exempt one system of records from certain requirements of the Act. NCUA has previously published System of Records Notices (SORN) for these systems. The Board has found good cause to issue the interim final rule without advance notice-and-comment procedures and with an immediate effective date.

DATES: This rule is effective on January 12, 2026. Comments must be received on or before February 11, 2026.

ADDRESSES: Comments may be submitted in one of the following ways. (Please send comments by one method only):

- *Federal eRulemaking Portal: https://www.regulations.gov.* The docket number for this proposed rule is NCUA–2026–XXXX. Follow the ''Submit a comment'' instructions. If you are reading this document on *federalregister.gov,* you may use the green ''SUBMIT A PUBLIC COMMENT'' button beneath this rulemaking's title to submit a comment to the *regulations.gov* docket. A plain language summary of the proposed rule is also available on the docket website.
- *Mail:* Address to Melane Conyers-Ausbrooks, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mailing address. Mailed and hand-delivered comments must be received by the close of the comment period.

Public Inspection: Please follow the search instructions on *https://www.regulations.gov* to view the public comments. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments are public records; they are publicly displayed exactly as received, and will not be deleted, modified, or redacted. Comments may be submitted anonymously. If you are unable to access public comments on the internet, you may contact the NCUA for alternative access by calling (703) 518–6540 or emailing *OGCMail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Harris, Senior Agency Official for Privacy, National Credit Union Administration, or Jennifer Harrison, Senior Counsel, 1775 Duke Street, Alexandria, Virginia 22314–3428 or by phone at (703) 518–6540.

SUPPLEMENTARY INFORMATION:

I. Background

The Privacy Act of 1974 places requirements on federal agencies regarding the collection, maintenance, distribution, and security of an individual's personal information that is contained in an agency's systems of records. Pursuant to the Privacy Act, NCUA publishes a Systems of Records Notice (SORN) that informs the public of each system of records the agency maintains, describes the nature and routine use of records in the system, identifies the system manager responsible for the system including contact information, and provides procedures whereby individuals may determine whether a system contains a record pertaining to them, gain access to

records pertaining to them, or seek to amend or correct information in a record about them. NCUA Systems of Records Notices are published in the **Federal Register** and are available at *https://www.ncua.gov/privacy.*

The Privacy Act also requires each federal agency to publish rules describing its Privacy Act procedures and any system of records it exempts from provisions of the Act, including the reasons for the exemption. NCUA publishes its rules at part 792, subpart E; the rules provide individuals with detailed information regarding the exercise of their rights under the Privacy Act, identify and describe the NCUA systems of records that are exempt from provisions of the Privacy Act, and provide standards for NCUA employees regarding collecting, using, maintaining, or disseminating records.

II. Proposed Changes

The Board is revising its Privacy Act regulations at 12 CFR part 792 to correct the number associated with a system of records, NCUA–11 (previously numbered as NCUA–20). The Board has previously promulgated exemptions to the Privacy Act for this system of records in accordance with subsections (k)(2) and (j)(2). The Board is also revising its Privacy Act regulations at 12 CFR part 792 to exempt one system of records, NCUA–28, from certain requirements of the Privacy Act in accordance with subsection (k)(2) of the Privacy Act. The interim final rule amends 12 CFR 792.66, the provision on exemptions.

A. NCUA–11

The NCUA SORN entitled ''Office of Inspector General (OIG) Investigative Records'' and currently numbered as NCUA–11, was originally published at 53 FR 37372 (Sept. 26, 1988) as ''Investigation Files'' and numbered as NCUA–20. A modified SORN was published at 60 FR 18149 (Apr. 10, 1995), renaming the system ''Office of Inspector General Investigative Records'' and listing exemptions from certain provisions of the Privacy Act. Those exemptions were promulgated at 60 FR 31912 (June 19, 1995). The system was renumbered to NCUA–11 at 65 FR 3486 (Feb. 20, 2000). The corresponding reference to the SORN in § 792.66(b)(3) was not updated at that time. Subsequent modifications to the SORN were published at 71 FR 77807 (Dec. 27, 2006),75 FR 41539 (July 16, 2010), and 88 FR 43152 (July 6, 2023), however the corresponding reference to the SORN was still not updated. The NCUA is now updating the SORN number in § 792.66(b)(3) as a technical correction.

B. NCUA–28

The Board is also adopting exemptions under subsection (k)(2) for NCUA–28, Anti-Harassment Case Tracking and Records. NCUA has previously published a SORN for this system in the **Federal Register** at 88 FR 37584 (June 8, 2023). NCUA–28 contains information collected by the NCUA to assist the NCUA with conducting internal investigations into allegations of harassment brought by current NCUA employees and NCUA contractors and taking appropriate action(s) to address such allegations.

Subsection (k)(2) of the Privacy Act authorizes the head of an agency to exempt a system of records from the applicable subsections if investigatory records are compiled for law enforcement purposes; provided, however if an individual is denied any right, privilege, or benefit that he or she would otherwise be entitled by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence. Because of the investigatory nature of information that is maintained in this system of records, this rule would add NCUA's Anti-Harassment Case Tracking and Records System to the list of NCUA systems that are exempt from specific provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Specifically, the Board is exempting this system of records under 5 U.S.C. 552a(k)(2) from the following provisions of the Privacy Act of 1974:

- Subsection (c)(3) relating to access to the accounting of disclosures;
- Subsection (d) relating to access to the records;
- Subsection (e)(1) relating to the type of information maintained in the records;
- Subsections (e)(4)(G), (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and
- Subsection (f) relating to developing agency rules for gaining access and making corrections.

The determination to exempt these records was made because it is necessary for NCUA to continue to investigate alleged violations of law, regulation, and NCUA policy and also to determine continued suitability for Federal employment. In accordance with Federal anti-discrimination laws, the Equal Employment Opportunity Commission (EEOC) requires that all Federal agencies have an anti-harassment policy and program. NCUA's specific policy prohibits harassment by all employees, provides an avenue for individuals to report allegations of harassment, and a process by which NCUA factfinders conduct inquiries and investigations. Furthermore, NCUA's policy prohibits retaliation against individuals for raising allegations of harassment or participating in the process. For NCUA to promptly address and resolve potential violations of law, regulation, or NCUA policy, individuals who are participating in this process must be assured that their statements will be kept confidential consistent with law. Without this exemption, the NCUA's ability to address allegations of harassment would be hindered by witnesses' and/or victims' lack of willingness to come forward, fearful that their statements or identities may be revealed. Other agencies, including the EEOC, have exempted similar records from certain provisions of the Privacy Act.

The Board is promulgating these exemptions on the following bases:

5 U.S.C. 552a(c)(3)—The release of the disclosure accounting to the individual who is the subject of the investigation would present a serious impediment to NCUA's ability to conduct inquiries or investigations into potential violations of law or policy.

5 U.S.C. 552a(d)—Access to records contained in this system would inform the subject of an actual or potential investigation, of the existence of that investigation, of the nature and scope of the investigation, of the information and evidence obtained as to their activities, and of the identity of witnesses. Such access would impede an investigator's ability to freely investigate such cases, including concerns that some witnesses have been promised confidentiality and would not want their statements provided to the subject of the investigation. Amendment of the records would interfere with the ongoing fact-finding process. Furthermore, subject individuals of the files in this system have access to relevant information as part of the investigatory process and are given the opportunity to explain or contradict such information and to submit any responsive evidence of their own.

5 U.S.C. 552a(e)(1)—Under the provision of (e)(1), the agency must only maintain such information that is relevant and necessary. It is difficult to

know during the course of an investigation what is relevant and necessary. In this context, facts or evidence may not seem relevant at first, but later in the investigation, their relevance is borne out.

5 U.S.C. 552a(e)(4)(G) and (H)—These subsections are inapplicable to the extent that this system is exempt from the access provisions of subsection (d) and the rules provisions of subsection (f).

5 U.S.C. 552a(e)(4)(I)—The categories of sources of the records in this system has been published in the **Federal Register** under the requirements of the Privacy Act. In the event, however, that this subsection should be interpreted to require more detail as to the identity of sources of the records in this system, exemption from this provision is necessary as the application of this provision could disclose investigative techniques and procedures and cause sources to refrain from giving such information because of fear of reprisal, or fear of breach of promises of anonymity and confidentiality. This would compromise the ability to conduct investigations, and to make fair and objective decisions on questions of suitability for Federal employment and related issues.

5 U.S.C. 552a(f)—Procedures for notice to an individual pursuant to subsection (f)(1) as to existence of records pertaining to the individual dealing with an actual or potential criminal, civil, or regulatory investigation or prosecution must be exempted because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation or case, pending or future. In addition, mere notice of the fact of an investigation could inform the subject or others that their activities are under investigation or may become the subject of an investigation and could enable the subjects to avoid detection, to influence witnesses improperly, to destroy evidence, or to fabricate testimony. Since an exemption is being claimed for subsection (d) of the Act, the rules required pursuant to subsections (f)(2) through (5) are inapplicable to this system of records to the extent that this system of records is exempted from subsection (d).

For these reasons, the listed exemptions are both necessary and appropriate.

III. Interim Final Rule

The Board is publishing these changes in an interim final rule for the following reasons:

A. The correction of NCUA–20 to NCUA–11 is a non-substantive correction. The change merely corrects the system number to match the current number of the corresponding SORN, which is an administrative change. No opposition to the changes and no significant adverse comments are expected. Therefore, the Board finds that prior notice and comment are unnecessary.

B. The promulgation of exemptions for NCUA–28 concerns ''agency organization, procedure, and practice'' and is limited to ''agency organization, management, or personnel matters.'' The exemption from provisions of the Privacy Act by the interim final rule affects only current NCUA employees and contractors, as described previously. No opposition to the changes and no significant adverse comments are expected. Accordingly, this rule is exempt from notice-and-public comment requirements under 5 U.S.C. 553(b).

C. NCUA employees and contractors have had notice of the exemptions for NCUA–28 since **Federal Register** publication of the SORN on June 8, 2023. At the time of publication, no comments regarding the proposed exemptions were received. Therefore, even if this portion of the rule were not exempt from notice-and-comment requirements, the Board would find prior notice and comment unnecessary for this reason.

Accordingly, the Board finds good cause exists for making the amendments set forth in this interim final rule effective less than 30 days after publication.

IV. Regulatory Procedures

A. Administrative Procedure Act

The Board is issuing this interim final rule without prior notice and the opportunity for public comment and the 30-day delayed effective date ordinarily prescribed by the Administrative Procedure Act (APA).[1] Pursuant to the APA, general notice and the opportunity for public comment are not required with respect to a rulemaking when an ''agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [2]

The Board believes that the public interest is best served by implementing the interim final rule as soon as possible. As discussed in the previous section of this preamble, one of the corrections is non-substantive, while the other concerns internal agency organization, management, or personnel matters, and is thus exempt from notice and comment requirements. For the reasons noted previously, the Board finds that there is good cause consistent with the public interest to issue the rule without advance notice and comment.[3] Independently, the change to NCUA–28 is also exempt from the APA's notice-and-comment requirements as a rule of agency organization, procedure, or practice.

While the Board believes that there is good cause to issue the rule without advance notice and comment and with an immediate effective date, it is interested in the views of the public and requests comment on the interim final rule.

B. Congressional Review Act

For purposes of the Congressional Review Act, the OMB makes a determination as to whether a final rule constitutes a ''major'' rule. If a rule is deemed a ''major rule'' by the Office of Management and Budget (OMB), the Congressional Review Act generally provides that the rule may not take effect until at least 60 days following its publication.

The Congressional Review Act defines a ''major rule'' as any rule that the Administrator of the Office of Information and Regulatory Affairs of the OMB finds has resulted in or is likely to result in (A) an annual effect on the economy of $100,000,000 or more; (B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, 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.

For the same reasons set forth above, the Board is adopting the interim final rule without the delayed effective date generally prescribed under the Congressional Review Act. The delayed effective date required by the Congressional Review Act does not apply to any rule for which an agency for good cause finds (and incorporates the finding and a brief statement of

[1] 5 U.S.C. 553.

[2] 5 U.S.C. 553(b)(B).

[3] 5 U.S.C. 553(b)(B); 553(d)(3). For the same reasons, the Board is not providing the usual 60-day comment period before finalizing this rule. *See* NCUA Interpretive Ruling and Policy Statement (IRPS) 87–2, as amended by IRPS 03–2 and IRPS 15–1. 80 FR 57512 (Sept. 24, 2015), *available at https://www.ncua.gov/files/publications/irps/IRPS1987-2.pdf*.

reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. As discussed above, the Board has concluded there is good cause to issue the interim final rule without notice-and-comment procedures.

As required by the Congressional Review Act, the Board will submit the interim final rule and other appropriate reports to Congress and the Government Accountability Office for review. The Board believes the rule is not major.

C. Regulatory Review (Executive Orders 12866 and 13563)

Pursuant to Executive Order 12866 (''Regulatory Planning and Review''), a determination must be made whether a regulatory action is significant and therefore subject to review by the Office of Management and Budget (OMB) in accordance with the requirements of the Executive Order. OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866.

Executive Order 13563 (''Improving Regulations and Regulatory Review'') directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs that, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies are to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. This interim final rule does not govern the operations of regulated parties. It updates two of the agency's Privacy Act systems and exemptions. This proposed rule is consistent with Executive Order 13563.

D. Regulatory Costs (Executive Order 14192)

Executive Order 14192 (''Unleashing Prosperity Through Deregulation'') was issued on January 31, 2025. Section 3(c) of Executive Order 14192 requires that any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations. This interim final rule is not expected to be an Executive Order 14192 regulatory action because it imposes no costs on regulated parties.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law, a person is not required to respond to a collection of information, unless it displays a currently valid Office of Management and Budget (OMB) control number.

The PRA applies to rulemakings in which an agency creates new or amends existing information collection requirements. For purposes of the PRA, an information-collection requirement may take the form of a reporting, recordkeeping, or a third-party disclosure requirement. The NCUA has determined that the changes in the interim final rule do not create a new information collection or revise an existing information collection as defined by the PRA.

F. Executive Order 13132

Executive Order 13132 (''Federalism'') encourages certain agencies to consider the impact of their actions on state and local interests. The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles.

This interim final rule does 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. The rule is administrative and largely governs internal agency procedures. The NCUA has therefore determined that this rule does not constitute a policy that has federalism implications for purposes of the executive order.

G. Assessment of Federal Regulations and Policies on Families

The NCUA has determined that this rule will not affect family well-being within the meaning of § 654 of the Treasury and General Government Appropriations Act, 1999, Public Law 105–277, 112 Stat. 2681 (1998).

H. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule or a final rule pursuant to the APA or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. Specifically, the RFA normally requires agencies to describe the impact of a rulemaking on small entities by providing a regulatory impact analysis. For purposes of the RFA, the Board considers credit unions with assets less than $100 million to be small entities. This rule does not impose any requirements on federally-insured credit unions or other small entities.

As discussed previously, consistent with the APA, the Board has determined for good cause that general notice and opportunity for public comment is unnecessary, and therefore the Board is not issuing a notice of proposed rulemaking. Rules that are exempt from notice and comment procedures are also exempt from the RFA requirements, including conducting a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Accordingly, the Board has concluded that the RFA's requirements relating to initial and final regulatory flexibility analysis do not apply.

List of Subjects in 12 CFR Part 792

Administrative practice and procedure, Credit unions, Freedom of information, Information, Privacy, Records, Systems of records.

By the National Credit Union Administration Board on December 17, 2025.

Melane Conyers-Ausbrooks,

Secretary of the Board.

For the reasons stated in the preamble, the NCUA Board is amending 12 CFR part 792 as set forth below:

PART 792—REQUESTS FOR INFORMATION UNDER THE FREEDOM OF INFORMATION ACT AND PRIVACY ACT, AND BY SUBPOENA; SECURITY PROCEDURES FOR CLASSIFIED INFORMATION

■ 1. The authority citation for part 792 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b; 12 U.S.C. 1752a(d), 1766, 1789, 1795f; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p.235; E.O. 13526, 75 FR 707, 2009 Comp. p.298.

■ 2. Amend § 792.66 by:

■ a. In paragraph (b)(3), removing the text ''NCUA–20'' and adding in its place the text ''NCUA–11''; and

■ b. Adding paragraph (b)(5).

The addition reads as follows:

§ 792.66 Exemptions.

* * * * *

(b) * * *

(5) System NCUA–28, entitled ''Anti-Harassment Case Tracking and Records'' consists of investigatory materials compiled for law enforcement purposes.

Records in the Anti-Harassment Case Tracking and Records system are used in connection with the execution of NCUA's responsibilities relating to conducting internal investigations into allegations of harassment. Because the system covers investigatory materials compiled for law enforcement purposes, it is eligible for exemption under subsection (k)(2) of the Privacy Act. The Anti-Harassment Case Tracking and Records system is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act. However, if an individual is denied any right, privilege, or benefit to which he would otherwise be entitled by Federal law, or for which he otherwise would be eligible, as a result of the maintenance of such records, the records or information will be made available to him, provided the identity of a confidential source is not disclosed. NCUA need not make an accounting of previous disclosures of a record in this system of records available to its subject, and NCUA need not grant access to any records in this system of records by their subject. Further, whenever individuals request records about themselves and maintained in this system of records, the NCUA will advise the individuals only that no records available to them pursuant to the Privacy Act of 1974 have been identified. However, if review of the record reveals that the information contained therein has been used or is being used to deny the individuals any right, privilege or benefit for which they are eligible or to which they would otherwise be entitled under Federal law, the individuals will be advised of the existence of the information and will be provided the information, except to the extent disclosure would identify a confidential source. Where possible, information that would identify a confidential source will be extracted or summarized in a manner which protects the source and the summary or extract will be provided to the requesting individual.

* * * * *

[FR Doc. 2026–00332 Filed 1–9–26; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–2272; Project Identifier MCAI–2025–00818–A; Amendment 39–23227; AD 2025–26–05]

RIN 2120–AA64

Airworthiness Directives; Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Baykar Piaggio Aerospace S.p.A. (type certificate previously held by Piaggio Aviation S.p.A.) (Piaggio) Model P–180 airplanes. This AD was prompted by a report of leakage from the flexible hydraulic hoses connected to the hydraulic pump package (HPP). This AD requires replacing the affected flexible hydraulic hoses. This AD also prohibits installing the affected flexible hydraulic hoses on any airplane. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 17, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–2272; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Piaggio Aerospace material identified in this AD, contact Piaggio, P180 Customer Support, via Pionieri e Aviatori d'Italia, snc—16154 Genoa, Italy; phone: +39 331 679 74 93; email: *technicalsupport@piaggioaerospace.it.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

FOR FURTHER INFORMATION CONTACT: Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4116; email: *adam.hein@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Piaggio Model P–180 airplanes. The NPRM was published in the **Federal Register** on September 5, 2025 (90 FR 42862). The NPRM was prompted by AD 2025–0102, dated May 5, 2025 (EASA AD 2025–0102) (also referred to as the MCAI), issued by EASA, which is the Technical Agent for the Member States of the European Union. The MCAI states that leakage from the flexible hydraulic hoses was reported on a Model P–180 airplane. A subsequent investigation revealed that the failure of the HPP electrical motor caused an anomalous current to return through the HPP body, resulting in electrical arcing. This arcing, which occurred as the HPP body was in contact with a flexible steel braided hose, punctured the flexible hydraulic hose. Additionally, the improper installation of the HPP, specifically the incorrect routing of the hydraulic flexible lines according to the airplane maintenance manual, contributed to the incident. This condition, if not detected and corrected, could lead to leaks developing in the flexible hydraulic hoses, which could result in loss of the hydraulic system or fire in the HPP area.

In the NPRM, the FAA proposed to require replacing the affected flexible hydraulic hoses. The FAA also proposed to prohibit the installation of affected flexible hydraulic hoses on any airplane. The FAA is issuing this AD to address the unsafe condition on these products.

Comments

The FAA received comments from two individual commenters who supported the NPRM without change.

The FAA received an additional comment from an individual commenter. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request To Revise Applicability

An individual commenter stated that select Piaggio airframes have faulty flexible hydraulic hoses; therefore, the AD should be expanded to include all airplanes with a similar hose design. The FAA infers that the commenter requested that the proposed AD be revised to expand the applicability to

include all Piaggio Model P–180 airplanes, regardless of serial number.

The FAA disagrees with the inferred request to expand the applicability of this AD. This AD applies to airplanes known to have affected parts installed and is being issued to correct a specific known unsafe condition on the affected airplanes. The manufacturer has provided the serial number ranges listed in paragraph (c) of this AD, which account for all affected hydraulic flexible hoses in service.

The FAA has not changed this AD as a result of this comment.

Explanation of Change To Type Certificate Holder Name

The FAA has revised the applicability of this AD to identify the type certificate holder's name as published in the most recent type certificate data sheet for the affected models.

Conclusion

These products have been approved by the civil aviation authority 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 reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. This AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Piaggio Aerospace Service Bulletin 80–0497, Revision 0, dated March 5, 2025 (Piaggio SB 80–0497, Revision 0). This material specifies procedures for replacing the affected flexible hydraulic hoses with new flexible hydraulic hoses that have a non-metallic and non-conductive abrasion sleeve covering the steel braid, which will provide electrical insulation that can prevent arcing and electrostatic discharge in case of accidental contact between the flexible hydraulic hoses and HPP body. This material is reasonably available because the interested parties have access to it through their normal course of business or by means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 107 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace flexible hydraulic hoses	22 work-hours × $85 per hour = $1,870	$1,241	$3,111	$332,877

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

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

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

(3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2025–26–05 Baykar Piaggio Aerospace S.p.A. (Type Certificate Previously Held by Piaggio Aviation S.p.A.): Amendment 39–23227; Docket No. FAA–2025–2272; Project Identifier MCAI–2025–00818–A.

(a) Effective Date

This airworthiness directive (AD) is effective February 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Baykar Piaggio Aerospace S.p.A. (type certificate previously held by Piaggio Aviation S.p.A.) Model P–180 airplanes, manufacturer serial numbers 1002, 1004 through 1234, and 3001 through 3018, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2910, Hydraulic System, Main.

(e) Unsafe Condition

This AD was prompted by a report of leakage from the flexible hydraulic hoses connected to the hydraulic pump package (HPP). The FAA is issuing this AD to prevent contact between the flexible hydraulic hoses and the HPP body, which could result in leaks developing in the flexible hydraulic hoses. The unsafe condition, if not addressed, could result in loss of the hydraulic system or fire in the HPP area.

(f) Compliance

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

(g) Required Action

For airplanes with flexible hydraulic hoses part number (P/N) AS117–04–0205 or P/N 98E0520FAMA000W (landing gear (LG) up and LG down lines); or flexible hydraulic

hoses P/N MS8006G207AL or P/N 99G0530FDFD000W (return line) installed: Within 660 hours time-in-service after the effective date of this AD, replace the affected flexible hydraulic hoses in accordance with part 2. B. and 2. C. of the Accomplishment Instructions of Piaggio Aerospace Service Bulletin 80–0497, Revision 0, dated March 5, 2025.

(h) Installation Prohibition

After the effective date of this AD, do not install flexible hydraulic hoses with P/N AS117–04–0205 or P/N 98E0520FAMA000W (LG up and LG down lines); or flexible hydraulic hoses P/N MS8006G207AL or P/N 99G0530FDFD000W (return line) on any airplane.

(i) Alternative Methods of Compliance

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 (j) of this AD and email to: *AMOC@faa.gov.* 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.

(j) Additional Information

For more information about this AD, contact Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4116; email: *adam.hein@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) 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) Piaggio Aerospace Service Bulletin 80–0497, Revision 0, dated March 5, 2025.

(ii) [Reserved]

(3) For Piaggio Aerospace material identified in this AD, contact Baykar Piaggio Aerospace S.p.A., P180 Customer Support, via Pionieri e Aviatori d'Italia, snc—16154 Genoa, Italy; phone: +39 331 679 74 93; email: *technicalsupport@piaggioaerospace.it.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. 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 December 30, 2025.

Christopher R. Parker,

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

[FR Doc. 2026–00357 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0480; Project Identifier AD–2024–00546–E; Amendment 39–23226; AD 2025–26–04]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines LLC Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all International Aero Engines, LLC (IAE LLC) Model PW1122G–JM, PW1124G–JM, PW1124G1–JM, PW1127G–JM, PW1127G1–JM, PW1127G1A–JM, PW1127G1B–JM, PW1127GA–JM, PW1129G–JM, PW1130G–JM, PW1133G–JM, PW1133GA–JM, PW1428G–JM, PW1428GA–JM, PW1428GH–JM, PW1431G–JM, PW1431GA–JM, and PW1431GH–JM engines. This AD was prompted by multiple reports of fan blade fracture events, three of which resulted in an engine under cowl fire or pool fire. This AD requires removal of one loop cushion clamp from the hydraulic fuel pressure fuel oil cooler fuel tube assembly (CP09 tube assembly), replacement of the thermal management system (TMS) clevis mounts with redesigned TMS clevis mounts, and reinstallation of the loop cushion clamp, as applicable. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective February 17, 2026.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of February 17, 2026.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0480; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Pratt & Whitney (PW) material identified in this AD, contact IAE LLC, 400 Main Street, East Hartford, CT 06118; phone: (860) 565–0140; email: *help24@pw.utc.com;* website: *connect.prattwhitney.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–0480.

FOR FURTHER INFORMATION CONTACT: Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7655; email: *carol.nguyen@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all International Aero Engines, LLC (IAE LLC) Model PW1122G–JM, PW1124G–JM, PW1124G1–JM, PW1127G–JM, PW1127G1–JM, PW1127G1A–JM, PW1127G1B–JM, PW1127GA–JM, PW1129G–JM, PW1130G–JM, PW1133G–JM, PW1133GA–JM, PW1428G–JM, PW1428GA–JM, PW1428GH–JM, PW1431G–JM, PW1431GA–JM, and PW1431GH–JM engines. The NPRM was published in the **Federal Register** on March 28, 2025 (90 FR 14057). The NPRM wasF prompted by multiple reports of fan blade fracture events due to bird strikes. Three of these events resulted in an engine under cowl fire or pool fire. In the NPRM, the FAA proposed to require removal of one loop cushion clamp from the CP09 tube assembly and replacement of the TMS clevis mounts with redesigned TMS clevis mounts.

The FAA is issuing this AD to prevent a fuel leak resulting from a fan blade fracture. The unsafe condition, if not addressed, could result in an uncontrolled engine fire and damage to the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from nine commenters. The commenters were

the Airline Pilots Association, International (ALPA); All Nippon Airways (ANA); Delta Air Lines (Delta); Lufthansa Technik AG (Lufthansa); PW; ProTech Aero Services Limited (ProTech); United Airlines (United); and an individual. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

ALPA, United, and the individual expressed support for the NPRM.

Request To Define ''Next Engine Shop Visit''

In the NPRM, the FAA proposed that paragraph (g) would require certain parts to be replaced ''at the next engine shop visit.'' Lufthansa, Delta, and ANA requested that the FAA refine this term. Delta stated that there was no definition of ''engine shop visit'' in the NPRM. Lufthansa requested that the FAA specify the type of shop visit. Lufthansa stated that during quick-turn shop visits with nose-down procedure, it is not possible to perform the required modification. Lufthansa also noted that the modification requirement could have a significant effect on operations that are intended to minimize turnaround time, and requested that such types of visits be excluded from the rule. ANA indicated that the engine manufacturer's recommended maintenance program defines ''shop visit'' as ''whenever an engine maintenance opportunity entails separating pairs of major mating gas path flanges.'' ANA requested clarification on whether this definition of ''shop visit'' from the engine maintenance program is applicable.

The FAA agrees to define ''next engine shop visit,'' however, the FAA does not agree to exclude quick-turn shop visits. To clarify, for this AD quick-turn shop visits are defined as limited scope and meant to target specific engine issues. However, regardless of the reason for induction, the FAA considers those quick-turn shop visits to be ''engine shop visits,'' as defined in paragraph (i) of this final rule. Operators may request an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD, provided sufficient data are submitted to substantiate that the AMOC would provide an acceptable level of safety. The FAA has revised this final rule by including paragraph (i), which includes the definition of ''engine shop visit.''

Request To Alter Compliance Times

The individual requested that the FAA account for different compliance schedules in relation to this NPRM. The commenter stated that the compliance schedule of the required actions could affect operators with major operational interruptions and higher maintenance costs if additional down time is necessary to comply with this proposed AD. Additionally, the commenter encouraged the FAA to work with stakeholders to improve the AD, such as by exploring other alternative methods of risk reduction or conducting a cost-benefit analysis.

The FAA disagrees with the request to alter the compliance times of this AD. In developing an appropriate compliance time for this action, the FAA considered the recommendations from the manufacturer. These recommendations included the urgency associated with the unsafe condition, the availability of required parts, and the practical aspect of accomplishing the required modification within a period of time that corresponds to the normal scheduled maintenance for most affected operators. In consideration of these items, the FAA has determined that the specified compliance times will ensure an acceptable level of safety. The NPRM gives all stakeholders and the general public the opportunity to comment on the proposed required actions and compliance times.

As to the commenter's other suggestion, the FAA worked with industry stakeholders, including the manufacturer, and affected operators through the public comment process, to develop this final rule. However, any operator may request an AMOC in accordance with the procedures specified in paragraph (k) of this AD, provided sufficient data are submitted to substantiate that the AMOC would provide an acceptable level of safety. The FAA has not changed this AD based on this comment.

Request for Different Compliance Times for Engines That Are Not Installed

ProTech stated support for the compliance times for engines that are already installed on airplanes. However, ProTech requested that the FAA specify a compliance time of ''Within 30 days after the effective date of this AD, or at the time of installation on an airplane, whichever comes later . . .'' for engines which are not installed on an airplane.

The FAA agrees to clarify the compliance time and has revised paragraph (g)(1) of this AD to account for each subset of engines.

Request To Remove Certain Language

PW requested that the FAA remove ''due to bird strike'' from the Summary, Background, and the Unsafe Condition sections.

The FAA agrees with the request. Although three of the six fan blade fracture events were caused by bird strikes, other events can fracture a fan blade. The FAA has removed all instances of ''due to bird strike'' in this final rule, except for the description of the NPRM in the Background section.

Request To Use Updated Service Material

Delta and ANA requested that the FAA update the required actions to refer to an updated revision of the applicable service material. Delta stated that the later revision allows operators to reuse certain part-numbered bolts that are removed, if the bolts pass certain inspection requirements. Delta stated that this is based on parts availability. Delta also requested the FAA revise the credit for previous actions paragraph to include the updated service material.

ANA stated that the instructions in a certain engine manual do not specify the requirement to discard bolt part number MS9716–08 or to install new bolts. ANA also stated that if the bolts have passed certain inspections and procedures and the required torque was applied, these bolts are not required to be discarded. ANA requested that the FAA allow certain part-numbered bolts to be reused and not discarded if they have passed certain inspections and procedures.

The FAA agrees to allow certain part-numbered bolts to be reused if they have passed certain inspections and procedures. Additionally, since the NPRM was published, the manufacturer has released multiple revisions to PW Alert Service Bulletin (ASB) PW1000G–C–72–00–0214–00A–930A–D. The FAA has revised this AD to reference PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue 006 as the appropriate source of material and has included credit for all previous revisions.

Request To Require Reinstallation of the Loop Cushion Clamp

Delta requested that the FAA revise the required actions to require reinstallation of the loop cushion clamp after replacement of the TMS clevis mounts. Delta stated that PW ASB PW1000G–C–72–00–0214–00A–930A–D contains a step for reinstalling the loop cushion clamp after the TMS clevis mounts have been replaced, which the FAA did not include in the NPRM. Delta expressed the expectation that

since the required steps of the service material include removal of the loop cushion clamp, that the intention would also be to reinstall.

The FAA agrees. However, since the NPRM was published, PW ASB PW1000G–C–72–00–0214–00A–930A–D has been updated and the FAA has revised this AD to refer to the latest revision of the required material. Additionally, the steps contained in the updated material have changed, which in turn, caused the steps referenced in this AD to change. Accordingly, the FAA has revised paragraph (g)(2) of this AD to require the steps in the latest revision of PW ASB PW1000G–C–72–00–0214–00A–930A–D, which includes reinstalling the loop cushion clamp with the redesigned TMS clevis mounts after the TMS clevis mounts are replaced.

Request To Revise Terminating Action

PW requested that the FAA revise the terminating action paragraph of the NPRM to specify that the actions specified in paragraph (g)(2) of the NPRM constitute a terminating action for the entire NPRM. No further justification was provided.

The FAA disagrees with the request to revise the terminating action to apply to the entire AD. The FAA notes that the terminating action paragraph of this AD only applies to the removal of the loop cushion clamp because once the TMS clevis mounts are replaced, this action is no longer necessary. The FAA has not changed this AD based on this request.

Request To Change Interim Action to Final Action

PW requested that the FAA revise the wording of the NPRM to specify that the required actions are final and that the NPRM is not considered an interim action. PW stated that the TMS clevis mounts replacement and subsequent reinstallation of the loop cushion clamp addresses the unsafe condition.

The FAA agrees that the TMS clevis mounts replacement and subsequent reinstallation of the loop cushion clamp does address the unsafe condition. However, since the FAA has not included the interim action paragraph in this final rule, there is no need for the FAA to change this final rule based on the request.

Request for Clarification Regarding Removal of the Loop Cushion Clamp

ANA requested that the FAA revise paragraphs (c) or (g)(1) of the NPRM to include an exemption for engines that have already complied with ASB PW1000G–C–72–00–0214–00A–930A–D. ANA requested clarification whether engines that have replaced the TMS clevis mounts are also required to remove the loop cushion clamp. ANA stated that even though the terminating action removes the requirement to remove the loop cushion clamp, there is still possibility for confusion for the operator, which may accidentally do both actions.

The FAA agrees to clarify. The replacement of the TMS clevis mounts specified in paragraph (g)(2) of this AD terminates the loop clamp removal specified in paragraph (g)(1) of this AD. As discussed previously in this final rule, the FAA has also included reinstallation of the loop clamp as an additional requirement to paragraph (g)(2) of this AD and as such, there is no need to include the language suggested by the commenter. Furthermore, paragraph (f) of this AD states to accomplish the required actions within the compliance times specified, ''unless already done.'' Therefore, if operators have accomplished the actions required for compliance with this AD before the effective date of this AD, no further action is necessary. The FAA has not revised this AD in this regard.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed the following material.

- PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 006, dated August 19, 2025, which specifies procedures for replacement of the TMS clevis mounts with redesigned TMS clevis mounts and reinstallation of the loop cushion clamp.
- PW ASB PW1000G–C–73–00–0053–00A–930A–D, Issue No. 005, dated September 18, 2024, which specifies procedures for removing one loop cushion clamp from the CP09 tube assembly.

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.

Costs of Compliance

The FAA estimates that this AD affects 586 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Remove one loop cushion clamp from the CP09 tube assembly.	9 work-hours × $85 per hour = $765	$0	$765	$448,290
Replace the TMS clevis mounts	107 work-hours × $85 per hour = $9,095.	17,000	26,095	15,291,670
Install one loop cushion clamp on the CP09 tube assembly.	9 work-hours × $85 per hour = $765	0	765	448,290

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

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

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

(3) Will 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 Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2025–26–04 International Aero Engines LLC: Amendment 39–23226; Docket No. FAA–2025–0480; Project Identifier AD–2024–00546–E.

(a) Effective Date

This airworthiness directive (AD) is effective February 17, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to International Aero Engines, LLC Model PW1122G–JM, PW1124G–JM, PW1124G1–JM, PW1127G–JM, PW1127G1–JM, PW1127G1A–JM, PW1127G1B–JM, PW1127GA–JM, PW1129G–JM, PW1130G–JM, PW1133G–JM, PW1133GA–JM, PW1428G–JM, PW1428GA–JM, PW1428GH–JM, PW1431G–JM, PW1431GA–JM, and PW1431GH–JM engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 1400, Miscellaneous Hardware.

(e) Unsafe Condition

This AD was prompted by multiple reports of fan blade fracture events, three of which resulted in an engine under cowl fire or pool fire. The FAA is issuing this AD to prevent a fuel leak resulting from a fan blade fracture. The unsafe condition, if not addressed, could result in an uncontrolled engine fire and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Within 30 days after the effective date of this AD or upon installation of an affected engine, whichever occurs later, remove one loop cushion clamp, part number ST1540–06, from the hydraulic fuel pressure fuel oil cooler fuel tube assembly (CP09 tube assembly) in accordance with the Accomplishment Instructions, For Engines Installed On Aircraft, paragraph C, or For Engines Not Installed On Aircraft, paragraph A, of Pratt & Whitney (PW) Alert Service Bulletin (ASB) PW1000G–C–73–00–0053–00A–930A–D, Issue No. 005, dated September 18, 2024.

(2) At the next engine shop visit after the effective date of this AD, replace the thermal management system (TMS) clevis mount with redesigned TMS clevis mounts in accordance with paragraphs AI, AJ, AL through AN, and AZ(6) of the Accomplishment Instructions of PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 006, dated August 19, 2025.

(h) Terminating Action

The actions specified in paragraph (g)(2) of this AD constitute terminating action for the requirements of paragraph (g)(1) of this AD. This terminating action may be accomplished instead of the actions specified in paragraph (g)(1) of this AD.

(i) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance.

(j) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (g)(1) of this AD, if done before the effective date of this AD using any of the material specified in paragraph (j)(1)(i) through (iv) of this AD inclusive.

(i) PW ASB PW1000G–C–73–00–0053–00A–930A–D, Issue No. 001, dated October 25, 2022.

(ii) PW ASB PW1000G–C–73–00–0053–00A–930A–D, Issue No. 002, dated November 07, 2022.

(iii) PW ASB PW1000G–C–73–00–0053–00A–930A–D, Issue No. 003, dated November 21, 2022.

(iv) PW ASB PW1000G–C–73–00–0053–00A–930A–D, Issue No. 004, dated March 15, 2024.

(2) This paragraph provides credit for the actions specified in paragraph (g)(2) of this AD, if done before the effective date of this AD using any of the material specified in paragraph (j)(2)(i) through (v) of this AD inclusive.

(i) PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 001, dated July 19, 2023.

(ii) PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 002, dated March 15, 2024.

(iii) PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 003, dated May 16, 2024.

(iv) PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 004, dated September 18, 2024.

(v) PW ASB PW1000G–C–72–00–0214–00A–930A–D, Issue No. 005, dated July 30, 2025.

(k) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (l)(1) 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

(1) For more information about this AD, contact Carol Nguyen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7655; email: *carol.nguyen@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (m)(3) of this AD.

(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) Pratt & Whitney (PW) Alert Service Bulletin (ASB) PW1000G–C–72–00–0214–00A–930A–D, Issue No. 006, dated August 19, 2025.

(ii) PW ASB PW1000G–C–73–00–0053–00A–930A–D, Issue No. 005, dated September 18, 2024.

(3) For PW material identified in this AD, contact International Aero Engines, LLC, 400 Main Street, East Hartford, CT 06118; phone: (860) 565–0140; email: *help24@pw.utc.com;* website: *connect.prattwhitney.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue,

Burlington, MA 01803. 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 December 23, 2025.

Peter A. White,

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

[FR Doc. 2026–00330 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–5398; Project Identifier MCAI–2024–00370–E; Amendment 39–23225; AD 2025–26–03]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G, and Trent 1000–H engines. This AD was prompted by a determination made by the manufacturer that a high-pressure compressor (HPC) mini-disc anti-rotation block could possibly release into the HPC assembly stage 5 and 6 discs and the cone rotor rear shaft (HPC rear drum) during an engine operation. This AD requires repetitive borescope inspections (BSIs) of the HPC rear drum cavity and cavities between each HPC rotor disc, and depending on the results of inspection, removal of the engine from service. This AD also allows an alternative method of complying with the repetitive BSIs if certain actions are accomplished. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective January 27, 2026.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of January 27, 2026.

The FAA must receive comments on this AD by February 26, 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–2025–5398; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For European Union Aviation Safety Agency (EASA) material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–5398.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments using a method listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–5398; Project Identifier MCAI–2024–00370–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule 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 final rule.

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 AD 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 AD, 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 AD. Submissions containing CBI should be sent to Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. 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, has issued EASA AD 2024–0122, dated June 28, 2024 (EASA AD 2024–0122) (also referred to as the MCAI), to correct an unsafe condition on RRD Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G and Trent 1000–H engines having Rolls-Royce Service Bulletin (SB) 72–G319 or SB 72–G893 embodied (known as Trent 1000 'Pack B' engine models Trent 1000–A/01, Trent 1000–A/01A, Trent 1000–AE/01, Trent 1000–AE/01A, Trent 1000–C/01, Trent 1000–C/01A, Trent 1000–CE/01, Trent 1000–CE/01A, Trent 1000–D/01, Trent 1000–D/01A, Trent 1000–E/01, Trent 1000–E/01A, Trent 1000–G/01, Trent 1000–G/01A, Trent 1000–H/01, and Trent 1000–H/01A), except those having embodied Rolls-Royce modification 72–AK645 in production, or having embodied the applicable SB in service. The MCAI states that the manufacturer identified a

possibility of release of an HPC mini-disc anti-rotation block into the HPC assembly stage 5 and 6 discs and at the HPC rear drum during an engine operation. The manufacturer issued service material that provides instructions for repetitive BSIs and, depending on the results of the inspections, removal of the engine from service. The MCAI also includes an alternative method of complying with the repetitive BSIs if operation using the Rolls-Royce engine health monitoring (EHM) service is utilized and all corrective actions are accomplished within the guidelines of the Rolls-Royce EHM.

The unsafe condition, if not addressed, could result in failure of the HPC assembly stage 5 and 6 discs and the HPC rear drum, and consequent structural failure of the engines critical parts.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–5398.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0122, which specifies procedures for repetitive BSIs of the HPC rear drum cavity and cavities between each HPC rotor disc for any missing or loose parts, foreign objects, scoring, and impact damage and contacting Rolls-Royce for applicable repair instructions. EASA AD 2024–0122 also specifies an alternative method of complying with the repetitive BSIs if certain actions are accomplished.

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 AD after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2024–0122, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD. See ''Differences Between this AD and the MCAI'' for a discussion of the general differences included in this AD.

Differences Between This AD and the MCAI

Where EASA AD 2024–0122 specifies to contact Rolls-Royce Deutschland Ltd & Co KG, instead this AD requires contacting the Manager, AIR–520 Continued Operational Safety Branch, FAA; or EASA; or the Rolls-Royce Deutschland Ltd & Co KG EASA Design Organization Approval (DOA).

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 incorporates EASA AD 2024–0122 by reference in the FAA final rule. This AD, therefore, requires compliance with EASA AD 2024–0122 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0122 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 2024–0122. Material required by EASA AD 2024–0122 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–5398 after this FAA final rule is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

The FAA justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

There are no costs of compliance with this AD because there are no engines with this type design on the U.S. Registry.

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

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

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

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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:

2025–26–03 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–23225; Docket No. FAA–2025–5398; Project Identifier MCAI–2024–00370–E.

(a) Effective Date

This airworthiness directive (AD) is effective January 27, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG Model Trent 1000–A, Trent 1000–AE, Trent 1000–C, Trent 1000–CE, Trent 1000–D, Trent 1000–E, Trent 1000–G, and Trent 1000–H engines as identified in European Union Aviation Safety Agency (EASA) AD 2024–0122, dated June 28, 2024 (EASA AD 2024–0122).

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by a determination made by the manufacturer that a high-pressure compressor (HPC) mini-disc anti-rotation block could possibly release into the HPC assembly stage 5 and 6 discs and cone rotor rear shaft (HPC rear drum) during an engine operation. The FAA is issuing this AD to detect and correct any missing or loose parts and foreign objects in the engine. The unsafe condition, if not addressed, could lead to failure of the HPC assembly stage 5 and 6 discs and the HPC rear drum, and consequent structural failure of the engine's critical parts.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD, perform all required actions within the compliance times specified in, and in accordance with, EASA AD 2024–0122.

(h) Exceptions to EASA AD 2024–0122

(1) Where EASA AD 2024–0122 requires compliance from its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0122 specifies to ''contact Rolls-Royce Deutschland Ltd & Co KG,'' this AD requires replacing that text with ''contact the Manager, AIR–520 Continued Operational Safety Branch, FAA; or EASA; or the Rolls-Royce Deutschland Ltd & Co KG EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(3) Where the material referenced in EASA AD 2024–0122 specifies ''REJECT the engine'', this AD requires replacing that text with ''remove the engine from service''.

(4) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2024–0122.

(i) No Reporting Requirement

Although the service material referenced in EASA AD 2024–0122 specifies to submit certain information to the manufacturer, including capturing photos and videos, this AD does not include those requirements.

(j) 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 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 (k) 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.

(k) Additional Information

For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@faa.gov.*

(l) 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 2024–0122, dated June 28, 2024.

(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 this EASA AD on the EASA website at *ad.easa.europa.eu.*

(4) You may view this material at the FAA, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. 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 5, 2026.

Peter A. White,

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

[FR Doc. 2026–00333 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2025–4939; Airspace Docket No. 25–AWA–7]

RIN 2120–AA66

Amendment of Class C Airspace; Wichita Mid-Continent Airport, Wichita, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class C airspace description for the former Wichita Mid-Continent Airport, Wichita, KS, to update the airport name to the ''Wichita Dwight D. Eisenhower National Airport'' to match the FAA's National Airspace System Resources (NASR) database information. Additionally, this action further amends the airspace description by updating the header format. This action does not change the boundaries, altitudes, or operating requirements of the Class C airspace area.

DATES: Effective date 0901 UTC, March 19, 2026. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

ADDRESSES: A copy of this final rule and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded from *www.federalregister.gov.*

FAA Order JO 7400.11K, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the information in the Wichita Mid-Continent Airport, KS, Class C airspace description.

History

During a review of the Wichita Mid-Continent Airport, KS, Class C airspace description, the FAA identified the need to update the airport name to the ''Wichita Dwight D. Eisenhower National Airport'' to match what is currently published in the NASR database, and to update the airspace description header format to match current formatting requirements.

Incorporation by Reference

Class C airspace areas are published in paragraph 4000 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11K, dated August 4, 2025, and effective September 15, 2025. FAA Order JO 7400.11K, which lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points, is publicly available as listed in the **ADDRESSES** section of this document.

The Rule

This action amends 14 CFR part 71 by updating the Class C airspace description for the former Wichita Mid-Continent Airport, Wichita, KS, as published in FAA Order JO 7400.11K, Airspace Designations and Reporting Points. The airport name ''Wichita Mid-Continent Airport'' is changed to ''Wichita Dwight D. Eisenhower National Airport'' to match the Airport Master Record database. Further, to comply with current FAA airspace description formatting standards, the airport name is removed from the first line in the text header of the description, leaving just the city and state location of the airport.

Good Cause for Bypassing Notice and Comment

The Administrative Procedure Act (APA) authorizes agencies to dispense with ordinary notice and comment requirements when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). This action is an administrative change and will not impose any additional substantive restrictions or requirements on the persons affected by these regulations. Therefore, the FAA has determined that notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action of amending the Wichita Mid-Continent Airport, KS, Class C airspace description to update the Wichita Mid-Continent Airport name to match the FAA's NASR database information qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321, *et seq.*), and in accordance with FAA Order 1050.1G, *FAA National Environmental Policy Act Implementing Procedures,* paragraph B–2.5(a), which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (*see* 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with the FAA's NEPA implementation policy and procedures regarding extraordinary circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11K, Airspace Designations and Reporting Points, dated August 4, 2025, effective September 15, 2025, is amended as follows:

Paragraph 4000 Class C Airspace.

* * * * *

ACE KS C Wichita, KS [Amended]

Wichita Dwight D Eisenhower National Airport, KS
(Lat. 37°39′00″ N, long. 97°25′59″ W)

That airspace extending upward from the surface to and including 5,300 feet MSL within a 5-mile radius of the Wichita Dwight D Eisenhower National Airport, and that airspace extending upward from 2,700 feet MSL to 5,300 feet MSL within a 10-mile

radius of the Wichita Dwight D Eisenhower National Airport.

* * * * *

Issued in Washington, DC, on January 8, 2026.

Alex W. Nelson,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2026–00394 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Chapter II

[Release Nos. 33–11399; 34–104555; IA–6936; IC–35865; File No. S7–2026–02]

List of Rules To Be Reviewed Pursuant to the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of list of rules scheduled for review.

SUMMARY: The Securities and Exchange Commission (''Commission'') is publishing a list of rules to be reviewed pursuant to Section 610 of the Regulatory Flexibility Act. The list is published to provide the public with notice that these rules are scheduled for review by the agency and to invite public comment on whether the rules should be continued without change, or should be amended or rescinded to minimize any significant economic impact of the rules upon a substantial number of small entities.

DATES: Comments should be submitted by February 11, 2026.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/comments/s7-2026-02/list-of-rules-to-be-reviewed-pursuant-regulatory-flexibility-act#no-back*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–2026–02 on the subject line.

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–2026–02. 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 of submission. The Commission will post all comments on the Commission's website (*https://www.sec.gov/comments/s7-2026-02/list-of-rules-to-be-reviewed-pursuant-regulatory-flexibility-act#no-back*). Do not include personally identifiable information in submissions; you should submit only information that you wish to make available publicly. The Commission may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

FOR FURTHER INFORMATION CONTACT: Sandra Sojka, General Attorney, Office of the General Counsel, 202–551–4928.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (''RFA''), codified at 5 U.S.C. 601 through 612, requires an agency to review its rules that have a significant economic impact upon a substantial number of small entities within 10 years of the publication of such rules as final rules. 5 U.S.C. 610(a). The purpose of the review is ''to determine whether such rules should be continued without change, or should be amended or rescinded . . . to minimize any significant economic impact of the rules upon a substantial number of such small entities.'' 5 U.S.C. 610(a). The RFA sets forth specific considerations that must be addressed in the review of each rule:

- The continued need for the rule;
- The nature of complaints or comments received concerning the rule from the public;
- The complexity of the rule;
- The extent to which the rule overlaps, duplicates or conflicts with other federal rules, and, to the extent feasible, with state and local governmental rules; and
- The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule. 5 U.S.C. 610(b).

The list below includes rules adopted in 2016 that may have a significant economic impact on a substantial number of small entities (but excludes rules that have been substantially changed since adoption, rules that are minor amendments to previously adopted rules, and rules that are ministerial, procedural, or technical in nature).[1] Where the Commission has previously made a determination of a rule's impact on small businesses, the determination is noted on the list.

The Commission particularly solicits public comment on whether the rules listed below affect small businesses in new or different ways than when they were first adopted. The rules and forms listed below are scheduled for review by staff of the Commission.

Title: Changes to Exchange Act Registration Requirements To Implement Title V and Title VI of the JOBS Act.

Citation: 17 CFR 230.405, 17 CFR 240.3b–4, 17 CFR 240.12g–1, 17 CFR 240.12g–2, 17 CFR 240.12g–3, 17 CFR 240.12g–4, 17 CFR 240.12g5–1, 17 CFR 240.12h–3,.

Authority: 15 U.S.C. 77b, 77b note, 77c, 77d, 77d note, 77f, 77g, 77h, 77j, 77r, 77s, 77z–2, 77z–3, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78c, 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78l–1, 78m, 78n, 78o, 78o–7 note, 78s, 78t, 78u–5, 78w, 78x, 78ll, 78ll(d), 78mm, 80a–8, 80a–20, 80a–23, 80a–24, 80a–28, 80a–29, 80a–30, and 80a–37, 80a–23, 80b–3, 80b–4, 80b–11, and Pub. L. 111–203, 939A, 124 Stat. 1376 (2010), Pub. L. 112–106, sec. 201(a), sec. 401, 126 Stat. 313 (2012), Pub. L. 112–106, sec. 503 and 602, 126 Stat. 326 (2012), unless otherwise noted.

Description: The Commission amended Rules 12g–1, 12g–2, 12g–3, 12g–4 and 12h–3 under the Securities and Exchange Act of 1934 (the ''Exchange Act'') to reflect the higher thresholds for registration, termination of registration, and suspension of reporting that were set in the Jumpstart Our Business Startups Act (the ''JOBS Act'') and Title LXXXV of the Fixing America's Surface Transportation Act. In addition, the amendments revised the definition of ''held of record'' in Exchange Act Rule 12g5–1, in accordance with the JOBS Act, to exclude certain securities held by persons who received them pursuant to employee compensation plans and establish a non-exclusive safe harbor for determining whether securities are ''held of record'' for purposes of registration under Exchange Act Section 12(g).

Prior RFA Analysis: When the Commission adopted the amendments on May 3, 2016, it published a Final Regulatory Flexibility Analysis in the adopting releases, Release Nos. 33–10075; 34–77757, available at: *https://www.govinfo.gov/content/pkg/FR-2016-05-10/pdf/2016-10746.pdf.* The Commission solicited comment on the

[1] In addition, while the Commission adopted in 2016 a revised version of 17 CFR 240.13q–1 and an amendment to Form SD in Disclosure of Payments by Resource Extraction Issuers, June 27, 2016 (Release 34–78167), the revised rules were disapproved by a joint resolution of Congress pursuant to the Congressional Review Act on February 14, 2017. *See* H.R.J. Res. 41, 115th Cong. (2017) (enacted). Accordingly, this rule has been omitted from the list of rules to be reviewed.

Initial Regulatory Flexibility Analysis published in the proposing releases, Release Nos 33–9693; 34–73876 (December 30, 2014), available at: *https://www.govinfo.gov/content/pkg/FR-2014-12-30/pdf/2014-30136.pdf,* and considered comments received at that time.

* * * * *

Title: Form ADV and Investment Advisers Act Rules.

Citation: 17 CFR 275.202(a)(11)(G)–1, 17 CFR 275.203–1, 17 CFR 275.203A–5, 17 CFR 275.204–1, 17 CFR 275.204–2, 17 CFR 275.204–3, and 17 CFR 279.1.

Authority: 15 U.S.C. 80b–1, *et seq.,* 80b–2(a)(11)(G), 80b–2(a)(11)(H), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, and 80b–11, unless otherwise noted.

Description: The Commission adopted amendments to Form ADV that are designed to provide additional information regarding advisers, including information about their separately managed account business, incorporate a method for private fund adviser entities operating a single advisory business to register using a single Form ADV, and make clarifying, technical and other amendments to certain Form ADV items and instructions. The Commission also adopted amendments to the Investment Advisers Act of 1940 (''Advisers Act'') books and records rule and technical amendments to several Advisers Act rules to remove transition provisions that are no longer necessary.

Prior RFA Analysis: When the Commission adopted the amendments and forms on August 25, 2016, it published a Final Regulatory Flexibility Analysis in the adopting release, Release No. IA–4509, available at: *https://www.federalregister.gov/documents/2016/09/01/2016-20832/form-adv-and-investment-advisers-act-rules.* The Commission solicited comment on the Initial Regulatory Flexibility Analysis published in the proposing release, Release No. IA–4091 (June. 12, 2015), available at: *https://www.federalregister.gov/documents/2015/06/12/2015-12778/amendments-to-form-adv-and-investment-advisers-act-rules,* and considered comments received at that time.

* * * * *

Title: Investment Company Reporting Modernization.

Citation: 17 CFR 200.800, 17 CFR 210.6–01, 17 CFR 210.6–03, 17 CFR 210.6–04, 17 CFR 210.6–05, 17 CFR 210.6–07, 17 CFR 210.6–10, 17 CFR 210.12–12, 17 CFR 210.12–12A, 17 CFR 210.12–12B, 17 CFR 210.12–12C, 17 CFR 210.12–13, 17 CFR 210.12–13A, 17 CFR 210.12–13B, 17 CFR 210.12–13C, 17 CFR 210.12–13D, 17 CFR 210.12–14, 17 CFR 232.105, 17 CFR 232.301, 17 CFR 232.401, 17 CFR 239.23, 17 CFR 240.10A–1, 17 CFR 240.12b–25, 17 CFR 240.13a–10, 17 CFR 240.13a–11, 17 CFR 240.13a–13, 17 CFR 240.13a–16, 17 CFR 240.15d–10, 17 CFR 240.15d–11, 17 CFR 240.15d–13, 17 CFR 240.15d–16, 17 CFR 249.322, 17 CFR 249.330, 17 CFR 249.332, 17 CFR 270.8b–16, 17 CFR 270.8b–33, 17 CFR 270.10f–3, 17 CFR 270.30a–1, 17 CFR 270.30a–2, 17 CFR 270.30a–3, 17 CFR 270.30a–4, 17 CFR 270.30b1–1, 17 CFR 270.30b1–2, 17 CFR 270.30b1–3, 17 CFR 270.30b1–5, 17 CFR 270.30b1–9, 17 CFR 270.30d–1, 17 CFR 239.15A, 17 CFR 274.11A, and 17 CFR 274.101.

Authority: 15 U.S.C. 77c, 77d, 77f, 77g, 77h, 77j, 77s, 77s(a), 77z–2, 77z–3, 77aa(25), 77aa(26), 77nn(25), 77nn(26), 77eee, 77ggg, 77nnn, 77sss, 77ttt, 77sss(a), 78a *et seq.,* 78c, 78c(b), 78c–3, 78c–5, 78d, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78n–1, 78o, 78o–1, 78o–4, 78o–7, 78o–7 note, 78o–10, 78o(d), 78p, 78q, 78q–1, 78s, 78u–5, 78w, 78x, 78w(a), 78ll, 78mm, 80a–1 *et seq.,* 80a–2(a), 80a–3, 80a–6(c), 80a–8, 80a–9, 80a–10, 80a–13, 80a–20, 80a–23, 80a–24, 80a–26, 80a–29, 80a–30, 80a–31, 80a– 34(d), 80a–37, 80a–37(a), 80a–39, 80b–3, 80b–4, 80b–11, 7201 *et seq.,* 7202, Sec. 7203, 7262, 8302, Sec. 71003, Sec. 84001; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3); 12 U.S.C. 5461 *et seq.;* 18 U.S.C. 1350; 44 U.S.C. 3506; 44 U.S.C. 3507; Public Law 111–203, 939A, 124 Stat. 1376 (2010); Sec. 953(b), Public Law 111–203, 124 Stat. 1904; Sec. 102(a)(3), Public Law 112–106, 126 Stat. 309 (2012); Sec. 107, Public Law 112–106, 126 Stat. 313 (2012); Public Law 112–106, sec. 503 and 602, 126 Stat. 326 (2012); Sec. 72001, Public Law 114–94, 129 Stat. 1312 (2015); and Sec. 71003 and Sec. 84001, Public Law 114–94, 129 Stat. 1312, unless otherwise noted.

Description: The Commission adopted new rules and forms as well as amendments to its rules and forms to modernize the reporting and disclosure of information by registered investment companies. The Commission adopted new Form N–PORT to require certain registered investment companies to report information about their monthly portfolio holdings to the Commission in a structured data format. In addition, the Commission adopted amendments to Regulation S–X to require standardized, enhanced disclosure about derivatives in investment company financial statements, as well as other amendments. The Commission adopted new Form N–CEN to require registered investment companies, other than face-amount certificate companies, to annually report certain census-type information to the Commission in a structured data format. The Commission adopted amendments to Forms N–1A, N–3, and N–CSR to require certain disclosures regarding securities lending activities. Finally, the Commission rescinded Forms N–Q and N–SAR and amended certain other rules and forms.

Prior RFA Analysis: When the Commission adopted the amendments and forms on October 13, 2016, it published a Final Regulatory Flexibility Analysis in the adopting releases, Release Nos. 33–10231; 34–79095; IC–32314, available at: *https://www.federalregister.gov/documents/2016/11/18/2016-25349/investment-company-reporting-modernization.* The Commission solicited comment on the Initial Regulatory Flexibility Analysis published in the proposing releases, Release Nos. 33–9776; 34–75002; IC–31610 (June 12, 2015), available at: *https://www.federalregister.gov/documents/2015/06/12/2015-12779/investment-company-reporting-modernization,* and considered comments received at that time.

* * * * *

Title: Investment Company Swing Pricing.

Citation: 17 CFR 210.6–02, 17 CFR 210.6–03, 17 CFR 270.22c–1, 17 CFR 270.31a–2, 17 CFR 274.11A, 17 CFR 274.101.

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 77z–2, 77z–3, 77aa(25), 77aa(26), 77nn(25), 77nn(26), 78c, 78c(b), 78j–1, 78l, 78m, 78n, 78o(d), 78q, 78u–5, 78w, 78ll, 78mm, 80a–1 *et seq.,* 80a–8, 80a–20, 80a–24, 80a–26, 80a–29, 80a–30, 80a–31, 80a–34(d), 80a–37, 80a–37(a), 80a–39, 80b–3, 80b–11, 7202, 7262, and Pub. L. 111–203, sec. 939A, 124 Stat. 1376 (2010), unless otherwise noted.

Description: The Commission adopted amendments to rule 22c–1 under the Investment Company Act of 1940 to permit a registered open-end management investment company (''open-end fund'' or ''fund'') (except a money market fund or exchange-traded fund), under certain circumstances, to use ''swing pricing,'' the process of adjusting the fund's net asset value (''NAV'') per share to effectively pass on the costs stemming from shareholder purchase or redemption activity to the shareholders associated with that activity. The Commission adopted amendments to rule 31a–2 to require funds to preserve certain records related to swing pricing. The Commission also adopted amendments to Form N–1A and Regulation S–X and a new item in Form N–CEN, all of which address a fund's use of swing pricing.

Prior RFA Analysis: When the Commission adopted the amendments and forms on October 13, 2016, it published a Final Regulatory Flexibility Analysis in the adopting releases, Release Nos. 33–10234; IC–32316, available at: *https://www.federalregister.gov/documents/2016/11/18/2016-25347/investment-company-swing-pricing.* The Commission solicited comment on the Initial Regulatory Flexibility Analysis published in the proposing releases, Release Nos. 33–99932; IC–31835 (Oct. 15, 2015), available at: *https://www.federalregister.gov/documents/2015/10/15/2015-24507/open-end-fund-liquidity-risk-management-programs-swing-pricing-re-opening-of-comment-period-for,* and considered comments received at that time.

* * * * *

Title: Investment Company Liquidity Risk Management Programs.

Citation: 17 CFR 270.22e–4, 17 CFR 270.30b1–10, 17 CFR 274.11A, 17 CFR 274.101, 17 CFR 274.150, 17 CFR 274.223.

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s, 78c(b), 78l, 78m, 78n, 78o(d), 80a–1 *et seq.,* 80a–8, 80a–24, 80a–26, 80a–29, 80a–34(d), 80a–37, 80a–39, and Pub. L. 111–203, sec. 939A, 124 Stat. 1376 (2010), unless otherwise noted.

Description: The Commission adopted new rules, a new form, and amendments to a rule and forms designed to promote effective liquidity risk management throughout the open-end investment company industry, thereby reducing the risk that funds will be unable to meet their redemption obligations and mitigating dilution of the interests of fund shareholders. The amendments also sought to enhance disclosure regarding fund liquidity and redemption practices. The Commission adopted new rule 22e–4, requiring each registered open-end management investment company, including open-end exchange-traded funds (''ETFs'') but not including money market funds, to establish a liquidity risk management program. Rule 22e–4 also requires principal underwriters and depositors of unit investment trusts (''UITs'') to engage in a limited liquidity review. The Commission also adopted amendments to Form N–1A regarding the disclosure of fund policies concerning the redemption of fund shares. The Commission also adopted new rule 30b1–10 and Form N–LIQUID (subsequently re-titled to Form N–RN) to generally require a fund to confidentially notify the Commission when the fund's level of illiquid investments that are assets exceeds 15% of its net assets or when its highly liquid investments that are assets fall below its minimum for more than a specified period of time. The Commission also adopted certain sections of Forms N–PORT and N–CEN to require disclosure of certain information regarding the liquidity of a fund's holdings and the fund's liquidity risk management practices.

Prior RFA Analysis: When the Commission adopted the amendments and forms on October 13, 2016, it published a Final Regulatory Flexibility Analysis in the adopting releases, Release Nos. 33–10233; IC–32315, available at: *https://www.federalregister.gov/documents/2016/11/18/2016-25348/investment-company-liquidity-risk-management-programs.* The Commission solicited comment on the Initial Regulatory Flexibility Analysis published in the proposing releases, Release Nos. Nos. 33–9922; IC–31835; (October 15, 2015), available at: *https://www.federalregister.gov/documents/2015/10/15/2015-24507/open-end-fund-liquidity-risk-management-programs-swing-pricing-re-opening-of-comment-period-for,* and considered comments received at that time.

* * * * *

Title: Exemptions To Facilitate Intrastate and Regional Securities Offerings.

Citation: 17 CFR 200.30–1, 17 CFR 230.147, 17 CFR 230.147A, 17 CFR 230.501, 17 CFR 230.502, 17 CFR 230.503, 17 CFR 230.504, 17 CFR 230.505, 17 CFR 230.507, 17 CFR 230.508, 17 CFR 239.500, 17 CFR 240.15g–9, 17 CFR 249.308, 17 CFR 270.17j–1, 17 CFR 275.204A–1.

Authority: 15 U.S.C. 77b, 77b note, 77c, 77d, 77f, 77g, 77h, 77j, 77o, 77r, 77s, 77z–2, 77z–3, 77sss, 77eee, 77ggg, 77nnn, 77sss, 77ttt, 78a *et seq.,* 78c, 78c–3, 78c–5, 78d, 78d–1, 78d–2, 78e, 78f, 78g, 78i, 78j, 78j–1, 78k, 78k–1, 78l, 78m, 78n, 78n–1, 78o, 78o(d), 78o–4, 78o–7 note, 78o–10, 78p, 78q, 78q–1, 78s, 78t, 78u–5, 78w, 78w(a), 78x, 78ll, 78ll(d), 78mm, 80a–1 *et seq.,* 80a–2(a), 80a–3, 80a–8, 80a–9, 80a– 10, 80a–13, 80a–20, 80a–23, 80a–24, 80a–26, 80a–28, 80a–29, 80a–30, 80a–34(d), 80a–37, 80a–39, 80b–2(a)(11)(G), 80b–2(a)(11)(H), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, 80b–11, 7201 *et. seq.,* 7202, 7211 *et seq.,* and Sec. 8302; Sec. 71003, and Sec. 84001; 7 U.S.C. 2(c)(2)(E); 12 U.S.C. 5221(e)(3), 12 U.S.C. 5461 *et seq.,* 18 U.S.C. 1350; Pub. L. 111–203, 939A, 124 Stat. 1376, (2010); Sec. 953(b), Public Law 111–203, 124 Stat. 1904; Sec. 102(a)(3), Public Law 112–106, 126 Stat. 309 (2012); Sec. 107, Public Law 112–106, 126 Stat. 313 (2012); Public Law 112–106, sec. 201(a), sec. 401, 126 Stat. 313 (2012); Sec. 72001, Public Law 114–94, 129 Stat. 1312 (2015); Sec. 71003 and Sec. 84001, Pub. L. 114–94, 129 Stat. 1312; and Sec. 72001, Public Law 114–94, 129 Stat. 1312 (2015), unless otherwise noted.

Description: The Commission adopted amendments to modernize Rule 147 under the Securities Act of 1933, which provides a safe harbor for compliance with the Section 3(a)(11) exemption from registration for intrastate securities offerings. The Commission also established a new intrastate offering exemption under the Securities Act, designated Rule 147A, similar to amended Rule 147, but with no restriction on offers and allows issuers to be incorporated or organized outside of the state in which the intrastate offering is conducted provided certain conditions are met. The amendments to Rule 147 and new Rule 147A are designed to facilitate capital formation, including through offerings relying upon intrastate crowdfunding provisions under state securities laws, while maintaining appropriate investor protections and providing state securities regulators with the flexibility to add additional investor protections they deem appropriate for offerings within their state.

The Commission also adopted amendments to Rule 504 of Regulation D under the Securities Act to facilitate issuers' capital raising efforts and provide additional investor protections. The amendments to rule 504 are designed to increase the aggregate amount of securities that may be offered and sold in any twelve-month period from $1 million to $5 million and disqualify certain bad actors from participation in Rule 504 offerings. In light of these amendments to Rule 504, the Commission also repealed Rule 505.

Prior RFA Analysis: When the Commission adopted the amendments and forms on October 26, 2016, it published a Final Regulatory Flexibility Analysis in the adopting releases, Release Nos. 33–10238; 34–79161, available at: *https://www.federalregister.gov/documents/2016/11/21/2016-26348/exemptions-to-facilitate-intrastate-and-regional-securities-offerings.* The Commission solicited comment on the Initial Regulatory Flexibility Analysis published in the proposing releases, Release Nos. 33–9973; 34–76319 (Nov. 10, 2015), available at: *https://www.federalregister.gov/documents/2015/11/10/2015-28219/exemptions-to-facilitate-intrastate-and-regional-*

securities-offerings, and considered comments received at that time.

By the Commission.

Dated: January 7, 2026.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2026–00315 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[Docket No. DEA–1337]

Schedules of Controlled Substances: Placement of N-Pyrrolidino Metonitazene and N-Pyrrolidino Protonitazene in Schedule I

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Final amendment; final order.

SUMMARY: With the issuance of this final order, the Administrator of the Drug Enforcement Administration is permanently placing 2-(4-methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (other names: *N*-pyrrolidino metonitazene or metonitazepyne) and 5-nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (other names: *N*-pyrrolidino protonitazene or protonitazepyne), including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts are possible within the specific chemical designation, in schedule I under the Controlled Substances Act. This action is being taken, in part, to enable the United States to meet its obligations under the 1961 Single Convention on Narcotic Drugs. This action imposes permanent regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture, distribute, import, export, engage in research or conduct instructional activities with or possess), or handle *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene.

DATES: Effective February 11, 2026.

ADDRESSES: 8701 Morrissette Drive, Springfield, Virginia 22152.

FOR FURTHER INFORMATION CONTACT: Dr. Terrence L. Boos, Drug and Chemical Evaluation Section, Diversion Control Division, Drug Enforcement Administration; Telephone: (571) 362–3249.

SUPPLEMENTARY INFORMATION:

Legal Authority

The United States is a party to the United Nations Single Convention on Narcotic Drugs, Mar. 30, 1961, 18 U.S.T. 1407, 520 U.N.T.S. 151 (Single Convention), as amended by the 1972 Protocol. Article 3, paragraph 7 of the Single Convention requires that if the Commission on Narcotic Drugs adds a substance to one of the schedules of such Convention, and the United States receives notification of such scheduling decision from the Secretary-General of the United Nations, the United States, as a signatory Member State, is obligated to control the substance under its national drug control legislation. Under 21 U.S.C. 811(d)(1) of the Controlled Substances Act (CSA), if control of a substance is required ''by United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970,'' the Attorney General must issue an order controlling such drug under the schedule she deems most appropriate to carry out such obligations, without regard to the findings required by 21 U.S.C. 811(a) or 812(b), and without regard to the procedures prescribed by 21 U.S.C. 811(a) and (b). The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the Drug Enforcement Administration.[1]

Background

On November 21, 2024, the Director-General of the World Health Organization recommended to the Secretary-General that *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene be placed in Schedule I of the Single Convention, as these substances have pharmacological effects similar to other opioid drugs that are controlled in Schedule I of the Single Convention. On June 9, 2025, the Secretariat of the United Nations informed the United States government, by letter, that the Commission voted to place *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene in Schedule I of the Single Convention during its 68th session on March 12, 2025 (CND Mar 68/2 and 68/1).

On August 15, 2025, DEA issued a temporary scheduling order, placing *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene temporarily in schedule I of the CSA.[2] That order for *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene (codified at 21 CFR 1308.11(h)(77) and (78)) was based on the Administrator's finding that the temporary scheduling of these substances was necessary to avoid an imminent hazard to public safety.[3]

N-Pyrrolidino Metonitazene and N-Pyrrolidino Protonitazene

Benzimidazole-opioids, commonly referred to as ''nitazenes,'' emerged on the recreational drug market in 2019. This class of substances shares a similar pharmacological profile with fentanyl, morphine, and other mu-opioid receptor agonists. In 2023, *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene emerged on the illicit opioid drug market. The abuse of *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene has been associated with adverse events to include their identification in toxicology cases in the United States. Several substances belonging to the benzimidazole-opioid drug class have been controlled in the United States, and as a class of drug in China, Canada, and the United Kingdom.

Law enforcement reports demonstrate that *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene are being illicitly distributed and abused. According to the National Forensic Laboratory Information System (NFLIS-Drug)[4] database, which collects drug identification results from drug cases submitted to and analyzed by Federal, State and local forensic laboratories, there have been 284 reports for *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene between January 2022 and August 2025 (query date: August 13, 2025). Specifically, there have been 253 encounters of *N*-pyrrolidino protonitazene from 22 States and 31 encounters of *N*-pyrrolidino metonitazene from 10 States. Benzimidazole-opioids have been identified in counterfeit prescription tablets in the United States. A report from the Expert Committee on Drug Dependence Critical Review on *N*-pyrrolidino protonitazene indicate this

[1] 28 CFR 0.100.

[2] *Schedules of Controlled Substances: Temporary Placement of N-pyrrolidino metonitazene and N-pyrrolidino protonitazene in Schedule I*, 90 FR 39314 (August 15, 2025).

[3] *Id.*

[4] NFLIS-Drug represents an important resource in monitoring illicit drug trafficking, including the diversion of legally manufactured pharmaceuticals into illegal markets. NFLIS-Drug is a comprehensive information system that includes data from forensic laboratories that handle more than 96 percent of an estimated 1 million distinct annual federal, state, and local drug analysis cases. NFLIS-Drug includes drug chemistry results from completed analyses only. While NFLIS-Drug data are not direct evidence of abuse, these can lead to an inference that a drug has been diverted and abused. *See Schedules of Controlled Substances: Placement of Carisoprodol Into Schedule IV,* 76 FR 77330, 77332 (Dec. 12, 2011).

substance has been sold online as ''China White'' heroin.[5]

N-Pyrrolidino metonitazene and *N*-pyrrolidino protonitazene have no currently accepted medical use in treatment in the United States. The Department of Health and Human Services (HHS) advised DEA, by letter dated June 11, 2025, that based on a review by the Food and Drug Administration (FDA), there were no investigational new drug applications (IND) or approved new drug applications (NDA) for *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene in the United States. Since this letter, HHS has not advised DEA of any new IND or NDA for these substances. Because *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene are not formulated or available for clinical use as approved medicinal products, all current use of these substances by individuals is based on their own initiative, rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs.

Consistent with 21 U.S.C. 811(d)(1), DEA concludes that *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene have no currently accepted medical use in treatment in the United States[6] and are most appropriately placed permanently in schedule I of the CSA, the same schedule in which they temporarily reside. Because control is required under the Single Convention, DEA will not be initiating regular rulemaking proceedings to permanently schedule *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene pursuant to 21 U.S.C.811(a).

Conclusion

In order to meet the United States' obligation under the Single Convention and because *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene have no currently accepted medical use in treatment in the United States, the Administrator has determined that *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, and salts are possible within the specific existence of such isomers, esters, ethers, and salts are possible within the specific chemical designation, should be placed permanently in schedule I of the CSA.

Requirements for Handling

As discussed above, *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene have been temporarily controlled in schedule I of the CSA since August 15, 2025. Upon the effective date of this final order, *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene will be permanently subject to the CSA's schedule I regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, dispensing, importing, exporting, engagement in research or conduct of instructional activities with, and possession of, schedule I controlled substances, including the following:

1. *Registration.* Any person who handles (manufactures, distributes, reverse distributes, imports, exports, engages in research or conducts instructional activities or chemical analysis with, or possesses), or who desires to handle, *N*-pyrrolidino metonitazene or *N*-pyrrolidino protonitazene must be registered with DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958, and in accordance with 21 CFR parts 1301 and 1312. Retail sales of schedule I controlled substances to the general public are not allowed under the CSA. Possession of any quantity of these substances in a manner not authorized by the CSA is unlawful and those in possession of any quantity of these substances may be subject to prosecution pursuant to the CSA.

2. *Disposal of stocks. N*-Pyrrolidino metonitazene and *N*-pyrrolidino protonitazene must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Security. N*-Pyrrolidino metonitazene and *N*-pyrrolidino protonitazene are subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, and in accordance with 21 CFR 1301.71 through 1301.76. Non-practitioners handling *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene must comply with the screening requirements of 21 CFR 1301.90 through 1301.93.

4. *Labeling and packaging.* All labels, labeling, and packaging for commercial containers of *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene must comply with 21 U.S.C. 825 and 958(e) and be in accordance with 21 CFR part 1302.

5. *Quota.* Generally, only registered manufacturers are permitted to manufacture *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene in accordance with a quota assigned pursuant to 21 U.S.C. 826, and in accordance with 21 CFR part 1303.

6. *Inventory.* Any person registered with DEA to handle *N*-pyrrolidino metonitazene or *N*-pyrrolidino protonitazene must have an initial inventory of all stocks of controlled substances (including these substances) on hand on the date the registrant first engages in the handling of controlled substances pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

After the initial inventory, every DEA registrant must take a new inventory of all stocks of controlled substances (including *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene) on hand every two years pursuant to 21 U.S.C. 827 and 958(e) and in accordance

[5] 47th Expert Committee on Drug Dependence Critical Review on *N*-pyrrolidino protonitazene and *N*-pyrrolidino metonitazene. 14–18 October 2024.

[6] There is no evidence suggesting that *N*-pyrrolidino metonitazene or *N*-pyrrolidino protonitazene have a currently accepted medical use in treatment in the United States. To determine whether a drug or other substance has a currently accepted medical use, DEA has traditionally applied a five-part test to a drug or substance that has not been approved by the FDA: (1) the drug's chemistry must be known and reproducible; (2) there must be adequate safety studies; (3) there must be adequate and well-controlled studies proving efficacy; (4) the drug must be accepted by qualified experts; and (5) the scientific evidence must be widely available. *See Marijuana Scheduling Petition; Denial of Petition; Remand,* 57 FR 10499 (Mar. 26, 1992), pet. for rev. denied, *Alliance for Cannabis Therapeutics* v. *Drug Enforcement Admin.,* 15 F.3d 1131, 1135 (D.C. Cir. 1994). DEA applied the traditional five-part test and concluded the test was not satisfied. In a recent published letter in a different context, HHS applied an additional two-part test to determine currently accepted medical use for substances that do not satisfy the five-part test: (1) whether there exists widespread, current experience with medical use of the substance by licensed health care providers operating in accordance with implemented jurisdiction-authorized programs, where medical use is recognized by entities that regulate the practice of medicine, and, if so, (2) whether there exists some credible scientific support for at least one of the medical conditions for which part (1) is satisfied. On April 11, 2024, the Department of Justice's Office of Legal Counsel (OLC) issued an opinion, which, among other things, concluded that HHS's two-part test would be sufficient to establish that a drug has a currently accepted medical use. Office of Legal Counsel, Memorandum for Merrick B. Garland Attorney General Re: Questions Related to the Potential Rescheduling of Marijuana at 3 (April 11, 2024). For purposes of this scheduling order, there is no evidence that health care providers have widespread experience with medical use of *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene or that the use of *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene are recognized by entities that regulate the practice of medicine, so the two-part test also is not satisfied. By letter dated June 11, 2025, DEA has been advised by HHS that there are currently no approved new drug applications or investigational new drug applications for *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene. Additionally, HHS communicated no objections to the temporary placement of *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene into schedule I of the CSA.

with 21 CFR 1304.03, 1304.04, and 1304.11.

7. *Records and Reports.* Every DEA registrant must maintain records and submit reports with respect to *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene pursuant to 21 U.S.C. 827 and 958(e), and in accordance with 21 CFR 1301.74(b) and (c), 1301.76(b), and 1307.11 and parts 1304, 1312, and 1317. Manufacturers and distributors must submit reports regarding *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene to the Automation of Reports and Consolidated Order System pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312.

8. *Order Forms.* Every DEA registrant who distributes *N*-pyrrolidino metonitazene or *N*-pyrrolidino protonitazene must continue to comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305.

9. *Importation and Exportation.* All importation and exportation of *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene must continue to comply with 21 U.S.C. 952, 953, 957, and 958, and in accordance with 21 CFR part 1312.

10. *Liability.* Any activity involving *N*-pyrrolidino metonitazene or *N*-pyrrolidino protonitazene not authorized by, or in violation of the CSA or its implementing regulations, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

Regulatory Analyses

Executive Orders 12866, 13563, 14192, and 14294

This action is not a significant regulatory action as defined by Executive Order (E.O.) 12866 (Regulatory Planning and Review) and the principles reaffirmed in E.O. 13563 (Improving Regulation and Regulatory Review). DEA scheduling actions are not subject to E.O. 14192, Unleashing Prosperity Through Deregulations, or E.O. 14294, Fighting Overcriminalization in Federal Regulations. This action makes no change in the status quo, as *N*-pyrrolidino metonitazene and *N*-pyrrolidino protonitazene are already listed as schedule I controlled substances.

Executive Order 12988, Civil Justice Reform

This action meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Executive Order 13132, Federalism

This action does not have federalism implications warranting the application of E.O. 13132. This action does 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.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications warranting the application of E.O. 13175. It does not have substantial direct effects 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.

Administrative Procedure Act

The CSA provides for an expedited scheduling action where control is required by the United States' obligations under international treaties, conventions, or protocols.[7] If control is required pursuant to such international treaty, convention, or protocol, the Attorney General, as delegated to the Administrator, must issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, and ''without regard to'' the findings and rulemaking procedures otherwise required for scheduling actions in 21 U.S.C. 811(a) and (b). *Id.*

In accordance with 21 U.S.C. 811(d)(1), scheduling actions for drugs that are required to be controlled by the United States' obligations under international treaties, conventions, or protocols in effect on October 27, 1970, shall be issued by order, as opposed to scheduling by rule pursuant to 21 U.S.C. 811(a). Therefore, DEA believes that the notice-and-comment requirements of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this scheduling action.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under the APA or any other law. As explained above, the CSA exempts this final order from notice and comment. Consequently, the RFA does not apply to this action.

Paperwork Reduction Act of 1995

This action does not impose a new collection of information requirement under the Paperwork Reduction Act of 1995.[8] Also, this action does not impose new or modify existing recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. However, this action does require compliance with the following existing Office of Management and Budget (OMB) collections: 1117–0003, 1117–0004, 1117–0006, 1117–0008, 1117–0009, 1117–0010, 1117–0012, 1117–0014, 1117–0021, 1117–0023, 1117–0029, and 1117–0056. 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.

Unfunded Mandates Reform Act of 1995

On the basis of information contained in the ''Regulatory Flexibility Act'' section above, DEA has determined pursuant to the Unfunded Mandates Reform Act (UMRA) of 1995 (2 U.S.C. 1501 *et seq.)* that this final rule would not result in any Federal mandate that may result ''in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year . . . .'' Therefore, neither a Small Government Agency Plan nor any other action is required under UMRA of 1995.

Congressional Review Act

This order is not a major rule as defined by the Congressional Review Act (CRA), 5 U.S.C. 804. However, DEA is submitting reports under the CRA to both Houses of Congress and to the Comptroller General.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, DEA amends 21 CFR part 1308 as follows:

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. In § 1308.11:

[7] 21 U.S.C. 811(d)(1).

[8] 44 U.S.C. 3501–3521.

■ a. Redesignate paragraphs (b)(79) through (119) as paragraphs (b)(81) through (121);
■ b. Add new paragraphs (b)(79) and (80); and
■ c. Remove and reserve paragraphs (h)(77) and (78).

The additions to read as follows:

§ 1308.11 Schedule I.

* * * * *

(b) * * *

* * * * * * *	
(79) 2-(4-methoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (Other names: *N*-pyrrolidino metonitazene; metonitazepyne)	9762
(80) 5-nitro-2-(4-propoxybenzyl)-1-(2-(pyrrolidin-1-yl)ethyl)-1*H*-benzimidazole (other names: *N*-pyrrolidino protonitazene; protonitazepyne)	9763
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Signing Authority

This document of the Drug Enforcement Administration was signed on January 5, 2025, by Administrator Terrance C. Cole. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2026–00362 Filed 1–9–26; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 100 and 165

[Docket No. USCG–2023–0590]

2023 Quarterly Listings; Fourth Quarter; Safety Zones, Security Zones, and Special Local Regulations

AGENCY: Coast Guard, DHS.

ACTION: Notification of expired temporary rules issued.

SUMMARY: This document provides notification of substantive rules issued by the Coast Guard that were made temporarily effective but expired before they could be published in the **Federal Register**. This document lists temporary safety zones, security zones, and special local regulations, all of limited duration and for which timely publication in the **Federal Register** was not possible. This document also announces notifications of enforcement for existing reoccurring regulations that we issued but were unable to be published before the enforcement period ended.

DATES: This document lists temporary Coast Guard rules and notifications of enforcement that became effective, primarily between October 2023 and December 2023, and expired before they could be published in the **Federal Register**.

ADDRESSES: Temporary rules listed in this document may be viewed online, under their respective docket numbers, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For questions on this document contact Ambar Ali, Office of Regulations and Administrative Law, email *HQS-SMB-CG-LRA-Admin@uscg.mil,* telephone (202) 372–3862.

SUPPLEMENTARY INFORMATION: Coast Guard District Commanders and Captains of the Port (COTP) must be immediately responsive to the safety and security needs within their jurisdiction; therefore, District Commanders and COTPs have been delegated the authority to issue certain local regulations. *Safety zones* may be established for safety or environmental purposes. A safety zone may be stationary and described by fixed limits, or it may be described as a zone around a vessel in motion. *Security zones* limit access to prevent injury or damage to vessels, ports, or waterfront facilities. *Special local regulations* are issued to enhance the safety of participants and spectators at regattas and other marine events.

Timely publication of these rules in the **Federal Register** may be precluded when a rule responds to an emergency, or when an event occurs without sufficient advance notice. The affected public is, however, often informed of these rules through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is provided by Coast Guard patrol vessels enforcing the restrictions imposed by the rule. Timely publication of notifications of enforcement of reoccurring regulations may be precluded when the event occurs with short notice or other agency procedural restraints.

Because **Federal Register** publication was not possible before the end of the effective period, mariners would have been notified of the contents of these safety zones, security zones, special local regulations, regulated navigation areas or drawbridge operation regulations by Coast Guard officials prior to any enforcement action. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To meet this obligation without imposing undue expense on the public, the Coast Guard periodically publishes a list of these temporary safety zones, security zones, special local regulations, regulated navigation areas and drawbridge operation regulations. Permanent rules are not included in this list because they are published in their entirety in the **Federal Register**. Temporary rules are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. In some of our reoccurring regulations, we say we will publish a notice of enforcement as one of the means of notifying the public. We use this notification to announce those notifications of enforcement that we issued and will post them to their dockets.

The following unpublished rules were placed in effect temporarily during the period between October 2023 and December 2023. To view copies of these rules, visit *www.regulations.gov* and search by the docket number indicated in the following table.

Docket No.	Type	Location	Effective date
USCG–2023–0754	Safety Zones (Parts 147 and 165)	Newport, RI	9/30/2023
USCG–2023–0792	Safety Zones (Parts 147 and 165)	Onset, MA	9/30/2023
USCG–2023–0835	Security Zones (Part 165)	San Francisco, CA	10/5/2023
USCG–2023–0317	Safety Zones (Parts 147 and 165)	Hickman, Kentucky	10/6/2023
USCG–2023–0807	Safety Zones (Parts 147 and 165)	New York City, NY	10/12/2023
USCG–2023–0839	Security Zones (Part 165)	Philadelphia, PA	10/13/2023
USCG–2023–0821	Safety Zones (Parts 147 and 165)	Sacramento River, Rio Vista, CA	10/14/2023
USCG–2023–0846	Safety Zones (Parts 147 and 165)	Philadelphia, PA	10/21/2023
USCG–2023–0867	Security Zones (Part 165)	San Diego, CA	11/11/2023
USCG–2023–0909	Security Zones (Part 165)	San Francisco, CA	11/16/2023
USCG–2023–0911	Safety Zones (Parts 147 and 165)	Port Isabel, TX	11/17/2023
USCG–2023–0915	Security Zones (Part 165)	Norfolk, VA	11/19/2023
USCG–2023–0914	Safety Zones (Parts 147 and 165)	Rockport, TX	12/2/2023
USCG–2023–0940	Safety Zones (Parts 147 and 165)	Canaveral, FL	12/16/2023
USCG–2023–0939	Safety Zones (Parts 147 and 165)	Jacksonville, Florida	12/22/2023
USCG–2023–0913	Safety Zones (Parts 147 and 165)	San Diego, CA	12/29/2023
USCG–2023–0966	Safety Zones (Parts 147 and 165)	Savannah, GA	12/31/2023
USCG–2023–0958	Safety Zones (Parts 147 and 165)	Beaufort, SC	12/31/2023
USCG–2023–0959	Safety Zones (Parts 147 and 165)	Natchez, MS	12/31/2023

Michael Cunningham,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. 2026–00346 Filed 1–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2025–1111]

RIN 1625–AA00

Safety Zone; Hillsborough Bay, Tampa, FL

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters of Hillsborough Bay, in the vicinity of the Gasparilla Children's Air Show. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the flying demonstrations over the water. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector St. Petersburg.

DATES: This rule is effective on January 24, 2026.

ADDRESSES: To view available documents go to *https://www.regulations.gov* and search for USCG–2025–1111.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, contact Lieutenant Ryan McNaughton, Sector St. Petersburg Waterways Management Division, U.S. Coast Guard; telephone (813) 228–2191, or email *Ryan.A.Mcnaughton@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background and Authority

The Coast Guard received notification that an airshow will take place on the waters of Hillsborough Bay, Tampa, FL. Hazards from air shows include accidental falling projectiles. The Captain of the Port (COTP) St. Petersburg has determined that potential hazards associated with the airshow are a safety concern for anyone within the vicinity of the event. Therefore, the COTP is issuing this rule under the authority in 46 U.S.C. 70034, which is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone.

The Coast Guard is issuing this rule without prior notice and comment. As is authorized by 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. The Coast Guard was notified of this event too late in the planning process to have time to solicit comments, but we must establish this safety zone by January 24, 2026, to protect personnel, vessels, and the marine environment.

For the same reasons, the Coast Guard finds that under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Discussion of the Rule

This rule establishes a safety zone from 12 p.m. until 7:30 p.m. on January 24, 2026. The safety zone will cover all navigable waters within the vicinity of the air show. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or their designated representative.

IV. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders.

A. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, do not apply to rules that are not subject to notice and comment. Because the Coast Guard has, for good cause, waived the notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's flexibility analysis provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), if this rule will affect your small business, organization, or governmental jurisdiction and you have questions, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards by calling 1–

888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

B. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

C. Federalism and Indian Tribal Governments

We have analyzed this rule under Executive Order 13132, Federalism, and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in that Order.

Also, this rule does not have tribal implications under Executive Order 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.

D. Unfunded Mandates Reform Act

As required by The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538), the Coast Guard certifies that this rule will not result in an annual expenditure of $100,000,000 or more (adjusted for inflation) by a State, local, or tribal government, in the aggregate, or by the private sector.

E. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment.

This rule is a safety zone. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051, 70124; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; DHS Delegation No. 00170.1, Revision No. 01.4.

■ 2. Add § 165.T07–1111 to read as follows:

§ 165.T07–1111 Safety Zone; Hillsborough Bay, Tampa, FL.

(a) *Location.* The following area is a safety zone: All waters of Hillsborough Bay, from surface to bottom, encompassed by a line connecting the following points beginning at 27°56′06.0″ N, 082°27′59.9″ W, thence to 27°56′04.8″ N, 082°27′39.9″ W, thence to 27°54′32.5″ N, 082°27′45.4″ W, thence to 27°54′20.7″ N, 082°29′20.9″ W thence to 27°55′09.3″ N, 082°29′22.3″ W and along the shoreline back to the beginning point. These coordinates are based on the World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port St. Petersburg (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VHF–FM channel 16 or by telephone at (866) 881–1392. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 12 p.m. to 7:30 p.m. on January 24, 2026.

Courtney A. Sergent,

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

[FR Doc. 2026–00326 Filed 1–9–26; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 218

Regulations Governing the Taking and Importing of Marine Mammals

CFR Correction

This rule is being published by the Office of the Federal Register to correct an editorial or technical error that appeared in the most recent annual revision of the Code of Federal Regulations.

■ In Title 50 of the Code of Federal Regulations, parts 200 to 227, revised as of October 1, 2025, remove the authority citation for subpart A of part 218, and add an authority citation for part 218 to read ''**Authority:** 16 U.S.C. 1361 *et seq.*''.

[FR Doc. 2026–00396 Filed 1–9–26; 8:45 am]

BILLING CODE 0099–10–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220919–0193; RTID 0648–XF426]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; General Category January Through March Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS is transferring 26.0 metric tons (mt) of Atlantic bluefin tuna (BFT) quota from the General category December 2026 subquota to the January through March 2026 subquota period. The adjusted General category January through March 2026 subquota is 63.7 mt and the adjusted December 2026 subquota is 11.0 mt. This action is intended to provide further harvest opportunities for General category fishermen, based on consideration of the regulatory determination criteria regarding inseason adjustments and applies to Atlantic Tunas General category (commercial) permitted vessels and Atlantic Highly Migratory Species (HMS) Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT. Note that NMFS

intends to take separate rulemaking action as soon as possible in 2026 to consider modifying the baseline BFT quota consistent with the quota adopted at the 2025 International Commission for the Conservation of Atlantic Tunas (ICCAT) annual meeting.

DATES: The quota transfer is effective January 8, 2026, through March 31, 2026.

FOR FURTHER INFORMATION CONTACT: Ann Williamson, *ann.williamson@noaa.gov,* or Larry Redd, Jr., *larry.redd@noaa.gov,* by email or phone at 301–427–8503.

SUPPLEMENTARY INFORMATION: Atlantic BFT fisheries are managed under the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and consistent with the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*). HMS implementing regulations are at 50 CFR part 635. Section 635.27(a) divides the U.S. BFT quota, established by ICCAT and as implemented by the United States among the various domestic fishing categories, per the allocations established in the HMS FMP and its amendments. NMFS is required under the Magnuson-Stevens Act at 16 U.S.C. 1854(g)(1)(D) to provide U.S. fishing vessels with a reasonable opportunity to harvest quotas under relevant international fishery agreements such as the ICCAT Convention, which is implemented domestically pursuant to ATCA.

As described in § 635.27(a), the current baseline U.S. BFT quota is 1,316.14 mt (not including the 25 mt ICCAT allocated to the United States to account for bycatch of BFT in pelagic longline fisheries in the Northeast Distant Gear Restricted Area per § 635.27(a)(3)). The General category baseline quota is 710.7 mt. The General category baseline quota is suballocated to time periods. Relevant to this action, the baseline subquotas for the January through March time period and for the December time period are 37.7 mt and 37.0 mt, respectively.

Separate from this action, NMFS is working on a rulemaking that would implement the 2025 ICCAT recommendation (Recommendation 25–05) regarding western BFT management. Consistent with that recommendation, the separate rulemaking action would consider increasing the baseline U.S. BFT quota from 1,316.14 mt to 1,509.98 mt and adjusting any subquotas as needed accordingly. In the next few months, NMFS expects to issue a proposed rule regarding the overall quota increase and resulting subquota calculations. Any final rule implementing ICCAT Recommendation 25–05 would likely be effective in mid-2026 or later.

Transfer From the December 2026 Subquota to the January Through March 2026 Subquota

Under § 635.27(a)(1)(ii), NMFS has the authority to transfer subquota from one time period to another time period through inseason action after considering determination criteria provided under § 635.27(a)(7). This section focuses on the calculations involved in transferring quota currently available from the 2026 General category December time period subquota to the 2026 General category January through March time period subquota; the consideration of the determination criteria can be found below after this section.

As stated above, the current baseline subquotas for the January through March time period and for the December time period are 37.7 mt and 37.0 mt, respectively. Transferring 26.0 mt from the General category December time period to the General category January through March time period, results in an adjusted January through March time period subquota of 63.7 mt (37.7 mt + 26.0 mt = 63.7 mt), and an adjusted December time period subquota of 11.0 mt (37.0 mt − 26.0 mt = 11.0 mt). The General category quota is available for use by Atlantic Tunas General category (commercial) permitted vessels and HMS Charter/Headboat permitted vessels with a commercial sale endorsement when fishing commercially for BFT. In previous years, NMFS has taken similar action to transfer quota from the General category December subquota to the January through March time period subquota (*e.g.,* 90 FR 2638, January 13, 2025).

In summary, this transfer results in an adjusted January through March 2026 time period subquota of 63.7 mt and an adjusted December 2026 subquota of 11.0 mt. The General category fishery will remain open until March 31, 2026, or until the adjusted January through March 2026 time period subquota is reached, whichever comes first.

Consideration of the Relevant Determination Criteria

NMFS has considered all of the relevant determination criteria and their applicability to this inseason quota transfer (§ 635.27(a)(7)). These criteria include, but are not limited to, the following:

Regarding the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock (§ 635.27(a)(7)(i)), biological samples collected from BFT landed by General category fishermen and provided by BFT dealers continue to provide NMFS with valuable parts and data for ongoing scientific studies of BFT age and growth, migration, and reproductive status. Additional opportunity to land BFT in the General category during the January-March time period would support the continued collection of a broad range of data for these studies and for stock monitoring purposes.

NMFS also considered the catches of the General category quota in the December and January through March time periods over the last several years and the likelihood of closure of the January through March segment of the fishery if no adjustment is made (§ 635.27(a)(7)(ii) and (ix)), as well as daily landing trends and the availability of BFT on fishing grounds (§ 635.27(a)(7)(ix)). Without a quota transfer at this time, based on recent catch rates in comparison to the current available quota (37.7 mt), NMFS would likely need to close the General category fishery shortly. Once the fishery is closed, participants would have to stop BFT fishing activities until the next time period begins in June, even though commercial-sized BFT remain available in the areas where General category permitted vessels operate. A quota transfer at this time provides limited additional opportunities to harvest the U.S. BFT quota while avoiding exceeding it.

Regarding the projected ability of the vessels fishing under the General category to harvest the additional amount of BFT quota transferred before the end of the fishing year (§ 635.27(a)(7)(iii)), NMFS considered General category landings over the last several years and landings to date this year. Landings are highly variable and depend on access to commercial-sized BFT and fishing conditions, among other factors. NMFS may adjust each time period's subquota based on overharvest or underharvest in the prior time period and may transfer subquota from one time period to another time period. By allowing for the current quota transfer, NMFS anticipates that the General category quota would be used before the end of the fishing year. Additionally, this quota transfer would allow General category fishermen to take advantage of the current availability of BFT on the fishing grounds and provide a reasonable

opportunity to harvest the available U.S. BFT quota.

NMFS also considered the estimated amounts by which quotas for other gear categories of the fishery might be exceeded (§ 635.27(a)(7)(iv)) and the ability to account for all 2026 landings and dead discards (§ 635.27(a)(7)(xi)). With the exception of 2024, the total U.S. BFT landings in recent years are typically below the available U.S. quota such that the United States has carried forward the maximum amount of underharvest allowed by ICCAT from one year to the next. When total U.S. BFT landings are above the available U.S. quota, the United States reduces the next year's quota by the overharvest amount. NMFS will need to account for 2026 landings and dead discards within the adjusted U.S. quota, consistent with ICCAT recommendations, and anticipates having sufficient quota to do so.

NMFS also considered the effects of the transfer on the BFT stock and on accomplishing the objectives of the HMS FMP (§ 635.27(a)(7)(v) and (vi)). This transfer would be within established quotas and subquotas, which are implemented consistent with ICCAT recommendations, ATCA, and the objectives of the HMS FMP and amendments. In establishing these quotas and subquotas and associated management measures, ICCAT and NMFS considered the best scientific information available, objectives for stock management and status, and effects on the stock. This quota transfer is in line with the established management measures and stock status determinations. Another principal consideration is the objective of providing opportunities to harvest the available General category quota without exceeding the annual quota, based on the objectives of the HMS FMP and its amendments, including to achieve optimum yield on a continuing basis and to allow all permit categories a reasonable opportunity to harvest available BFT quota allocations (related to § 635.27(a)(7)(x)). Specific to the General category, this includes providing opportunities equitably across all time periods.

Monitoring and Reporting

NMFS will continue to monitor the BFT fishery closely. Per § 635.5(b)(2)(i)(A), dealers are required to submit landing reports within 24 hours of a dealer receiving BFT. Late reporting by dealers compromises NMFS' ability to timely implement actions such as quota and retention limit adjustments, as well as closures, and may result in enforcement actions. Additionally, and separate from the dealer reporting requirement, General category and HMS Charter/Headboat permitted vessel owners are required per § 635.27(a)(4) to report their own catch of all BFT retained or discarded dead within 24 hours of the landing(s) or end of each trip, by accessing *https://hmspermits.noaa.gov,* using the HMS Catch Reporting app, or calling 888–872–8862 (Monday through Friday from 8 a.m. until 4:30 p.m. Eastern Time).

Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional adjustments are necessary to ensure available subquotas are not exceeded in 2026 or to enhance scientific data collection from, and fishing opportunities in, all geographic areas as specified under § 635.27(a)(7). If needed, subsequent adjustments will be published in the **Federal Register**. In addition, fishermen may access *https://hmspermits.noaa.gov/home,* for updates on quota monitoring and inseason adjustments.

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act (16 U.S.C. 1855(d)) and regulations at 50 CFR part 635 and this action is exempt from review under Executive Order 12866.

The Assistant Administrator for NMFS (AA) finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice of, and opportunity for public comment on, this action because it is impracticable and contrary to the public interest for the following reasons. Specifically, the regulations implementing the HMS FMP and amendments provide for inseason adjustments and quota transfers to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery. Providing prior notice and an opportunity for public comment is impracticable and contrary to the public interest as this fishery is currently underway and, based on the most recent landings information, the 2026 January through March subquota is projected to be reached shortly. Delaying this action could result in BFT landings that exceed the 2026 January through March subquota. Additionally, a delay in implementing this transfer would preclude the fishery from harvesting BFT that are currently available on the fishing grounds and that might otherwise become unavailable. This action does not raise conservation and management concerns and would support effective management of the BFT fishery. Transferring quota from the General category December time period to the General category January through March time period does not affect the overall ICCAT-allocated U.S. BFT quota. NMFS notes that the public had an opportunity to comment on the underlying rulemakings that established the U.S. BFT quota and the inseason adjustment criteria.

For all of the above reasons, the AA finds that pursuant to 5 U.S.C. 553(d)(3), there is good cause to waive the 30-day delay in effective date.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: January 8, 2026.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–00392 Filed 1–8–26; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 251208–0181; RTID 0648–XF481]

Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2026 Management Area 1B Possession Limit Adjustment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; possession limit adjustment.

SUMMARY: NMFS is implementing a 2,000 pound (lb) (907.2 kilogram (kg)) possession limit for Atlantic herring in Management Area 1B. This is required because NMFS projects that herring catch from Area 1B will reach 92 percent of the Area's sub-annual catch limit before the end of the fishing year. This action is intended to prevent overharvest of herring in Area 1B, which would result in additional catch limit reductions in a subsequent year.

DATES: Effective 12:00 hours (hr) local time, January 9, 2026, through December 31, 2026.

FOR FURTHER INFORMATION CONTACT: Carrie Nordeen, Fishery Policy Analyst, 978–281–9272.

SUPPLEMENTARY INFORMATION: The Regional Administrator of the Greater Atlantic Regional Office monitors Atlantic herring fishery catch in each Management Area based on vessel and

dealer reports, state data, and other available information. Regulations at 50 CFR 648.201(a)(1)(i)(A) require implementation of a 2,000-lb (907.2-kg) possession limit for herring for Area 1B beginning on the date that catch is projected to reach 92 percent of the sub-annual catch limit (ACL) for that area. The Magnuson-Stevens Fishery Conservation and Management Act provides authority to implement the possession limit only to the Secretary of Commerce, which has been delegated to the Regional Administrator.

Based on vessel reports, dealer reports, and other available information, the Regional Administrator projects that the herring fleet will have caught 92 percent of the Area 1B sub-ACL by January 9, 2026. Therefore, effective 12:00 (hr) local time January 9, 2026, through December 31, 2026, a person may not attempt or do any of the following: fish for; possess; transfer; purchase; receive; land; or sell more than 2,000 lb of herring per trip or more than once per calendar day in or from Area 1B.

Vessels that enter port before 12:00 hr local time on January 9, 2026, may land and sell more than 2,000 lb (907.2 kg) of herring from Area 1B from that trip, provided that catch is landed in accordance with state management measures. Regulations at §§ 648.201(b) and (c) state that vessels may transit or land in Area 1B with more than 2,000 lb (907.2 kg) of herring on board while this possession limit adjustment is in effect, provided that: the herring were caught in an area not subject to a 2,000-lb (907.2-kg) limit; all fishing gear is stowed and not available for immediate use as defined in § 648.2; and the vessel is issued a permit appropriate to the amount of herring on board and the area where the herring was harvested.

Additionally, effective 12:00 hr local time, January 9, 2026, through 24:00 hr local time, December 31, 2026, federally permitted dealers may not attempt or do any of the following: purchase; receive; possess; have custody or control of; sell; barter; trade; or transfer more than 2,000 lb (907.2 kg) of herring per trip or calendar day from Area 1B, unless it is from a vessel that enters port before 12:00 hr local time on January 9, 2026 and catch is landed in accordance with state management measures.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it is unnecessary, contrary to the public interest, and impracticable. Ample prior notice and opportunity for public comment has been provided for the required implementation of this action. The requirement to implement this possession limit was developed by the New England Fishery Management Council using public meetings that invited public comment on the measures when they were developed and considered along with alternatives. Further, the regulations requiring implementation of this possession limit also were subject to public notice and opportunity to comment, when they were adopted in 2014. Herring fishing industry participants monitor catch closely and anticipate potential possession limit adjustments as catch totals approach Area sub-ACLs. The regulation is not discretionary and is designed for implementation as quickly as possible to prevent catch from exceeding limits designed to prevent overfishing while allowing the fishery to achieve optimum yield.

The 2026 herring fishing year began on January 1, 2026. Data indicating that the herring fleet will have landed at least 92 percent of the 2026 sub-ACL allocated to Area 1B only recently became available. High-volume catch and landings in this fishery can increase total catch relative to the sub-ACL quickly, especially in this fishing year where annual catch limits are unusually low. If implementation of this possession limit adjustment is delayed to solicit prior public comment, the 2026 sub-ACL for Area 1B will likely be exceeded; thereby undermining the conservation objectives of the Herring Fishery Management Plan (FMP). If sub-ACLs are exceeded, the excess must be deducted from a future sub-ACL and would reduce future fishing opportunities. The public expects these actions to occur in a timely way consistent with the FMP's objectives. For the reasons stated above, NMFS also finds good cause to waive the 30-day delayed effectiveness in accordance with 5 U.S.C 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 8, 2026.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–00354 Filed 1–8–26; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 91, No. 7
Monday, January 12, 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 THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket ID OCC–2025–0768]

RIN 1557–AF47

National Bank Chartering

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is proposing to amend its rule related to chartering of national banks to clarify the longstanding authority of national banks limited to the operations of trust companies and activities related thereto to engage in non-fiduciary activities in addition to their fiduciary activities.

DATES: Comments must be received on or before February 11, 2026.

ADDRESSES: Commenters are encouraged to submit comments through the Federal eRulemaking Portal. Please use the title ''National Bank Chartering'' to facilitate the organization and distribution of the comments. You may submit comments by any of the following methods:

• *Federal eRulemaking Portal—Regulations.gov:*

Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2025–0768'' in the Search Box and click ''Search.'' Public comments can be submitted via the ''Comment'' box below the displayed document information or by clicking on the document title and then clicking the ''Comment'' box on the top-left side of the screen. For help with submitting effective comments, please click on ''Commenter's Checklist.'' For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email *regulationshelpdesk@gsa.gov.*

• *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

• *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

Instructions: You must include ''OCC'' as the agency name and Docket ID ''OCC–2025–0174'' in your comment. In general, the OCC will enter all comments received into the docket and publish the comments on the *Regulations.gov* website without change, including any business or personal information provided such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this action by the following method:

• *Viewing Comments Electronically—Regulations.gov:*

Go to *https://regulations.gov/.* Enter Docket ID ''OCC–2025–0768'' in the Search Box and click ''Search.'' Click on the ''Dockets'' tab and then the document's title. After clicking the document's title, click the ''Browse All Comments'' tab. Comments can be viewed and filtered by clicking on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Comments Results'' options on the left side of the screen. Supporting materials can be viewed by clicking on the ''Browse Documents'' tab. Click on the ''Sort By'' drop-down on the right side of the screen or the ''Refine Results'' options on the left side of the screen checking the ''Supporting & Related Material'' checkbox. For assistance with the *Regulations.gov* site, please call 1–866–498–2945 (toll free) Monday–Friday, 9 a.m.–5 p.m. EST, or email *regulationshelpdesk@gsa.gov.*

The docket may be viewed after the close of the comment period in the same manner as during the comment period.

FOR FURTHER INFORMATION CONTACT: Christopher Crawford, Acting Assistant Director; Marjorie Dieter, Counsel, Chief Counsel's Office, 202–649–5490, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION:

I. Description of the Proposed Rule

The OCC charters national banks under the authority of the National Bank Act, 12 U.S.C. 1 *et seq.* The National Bank Act ''constitut[es] by itself a complete system for the establishment and government of national banks.'' [1] Congress's grant of authority to the OCC with regard to the establishment of national banks under the National Bank Act culminates in the OCC's issuance of formal certificates authorizing national banks to conduct business, which are generally referred as charters.[2] In 1978, Congress amended the National Bank Act to expressly provide: ''A National Bank Association, to which the Comptroller of the Currency has heretofore issued or hereafter issues such [charter] certificate, is not illegally constituted solely because its operations are or have been required by the Comptroller of the Currency to be limited to those of a trust company and activities related thereto.'' [3]

The OCC has referenced this express endorsement of its authority for nearly fifty years when chartering national banks whose operations are limited to those of a trust company and activities related thereto, which are commonly referred to as ''national trust banks.'' The OCC currently supervises approximately 60 national trust banks. The majority of the national trust banks are uninsured, but a few hold deposits and are insured by the Federal Deposit Insurance Corporation.

The OCC is proposing amending its chartering regulation, 12 CFR 5.20, to more closely align with its statutory authorization to charter national banks limited to the operations of a trust company and activities related thereto. Section 5.20 provides for the general procedures for filing an application, the OCC's review, procedures for organizing the new bank, and other requirements. Since 1996, § 5.20(e)(1)(i) has addressed certain statutory requirements for the OCC's chartering of a national bank. The

[1] *Cook Cnty. Nat'l Bank* v. *United States,* 107 U.S. 445, 448 (1883).

[2] *See* 12 U.S.C. 27.

[3] Financial Institutions Regulatory and Interest Rate Control Act of 1978, Sec. 1504, Public Law 95–630, 92 Stat. 3641, 3713 (1978).

regulation states that the OCC charters national banks under the authority of the National Bank Act and includes the requirement that a national bank's name must include the word ''national.'' [4]

In 2003, the OCC proposed amendments to § 5.20(e)(1)(i) ''to clarify that a limited purpose national bank may exist with respect to activities other than fiduciary activities, provided the activities in question are within the business of banking.'' [5] This proposal included only the sentence: ''The bank may be a special purpose bank that limits its activities to fiduciary activities or to any other activities within the business of banking.'' [6]

Commenters were concerned that the reference to the business of banking in the proposed rule was ''too broad.'' [7] In response to this concern, the final rule added another sentence to § 5.20(e)(1)(i): ''A special purpose bank that conducts activities other than fiduciary activities must conduct at least one of the following three core banking functions: Receiving deposits; paying checks; or lending money.'' The OCC did so ''to provide further clarification of the scope of activities permissible for a limited purpose national bank, and . . . . amended this provision to require limited purpose national banks to conduct at least one of the following core banking functions: (1) Receiving deposits; (2) paying checks; or (3) lending money. These functions are based on 12 U.S.C. 36, which identifies activities that cause a facility to be considered a bank branch.'' [8] The operations of a national trust bank typically include performing fiduciary activities under the authority of 12 U.S.C. 92a,[9] a separate source of authority from those activities within the business of banking under 12 U.S.C. 24(Seventh).[10]

The OCC's addition of language to § 5.20(e)(1)(i) was to address special purpose banks engaging in only activities within the business of banking. As noted in the preamble to the 2003 final rule, ''The purpose of this proposed change was to clarify that a limited purpose national bank may exist with respect to activities other than fiduciary activities, provided the activities in question are part of the business of banking.'' [11] In other words, the language in amended § 5.20(e)(1)(i) referencing a ''bank that conducts activities other than fiduciary activities'' was intended to clarify that the provision did not address national trust banks; the provision addressed special purpose banks that would engage in activities other than those of a trust company. The language was not intended, and has never been interpreted by the OCC, to circumscribe national trust bank activities, *i.e.,* to prohibit a national trust bank from engaging in non-fiduciary activities. The authority to charter national trust banks under 12 U.S.C. 27(a) is clear on its face.

Nonetheless, the OCC believes that the language added in 2003 has the potential to raise confusion about the scope of the OCC's chartering authority under 12 U.S.C. 27(a) and the activities of national trust banks. Because the language does not explicitly exclude all national trust bank activities (just fiduciary activities), it could be mistakenly read to also impose limits on the activities of national trust banks that are different than those articulated in the last sentence of section 27(a). Such a reading would conflict with the intent of the regulatory text added in 2003, which did not intend to circumscribe the OCC's authority to charter national trust banks.

Moreover, reading the regulation to apply to national trust bank charters would run contrary to the OCC's long-held interpretation and historical practice. The OCC has never interpreted § 5.20(e)(1)(i) in a way that restricts national trust banks. Both before and after the 2003 final rule, the OCC has chartered national trust banks that engage in activities that are not fiduciary. For example, the OCC considers custody and safekeeping activities to be generally non-fiduciary and authorized for national banks as part of the business of banking under 12 U.S.C. 24(Seventh).[12] National trust banks also frequently conduct custody activities and currently hold nearly $2 trillion in assets in custody or safekeeping accounts.[13]

In sum, given a potential lack of clarity in the regulation and the risk that a misreading of the regulation may impair the exercise of the OCC's statutory authorities granted to it by the National Bank Act, the OCC is proposing to amend § 5.20(e)(1)(i) to replace the term ''fiduciary activities'' with ''the operations of a trust company and activities related thereto,'' as stated in 12 U.S.C. 27(a). The OCC believes that these amendments will eliminate potential confusion as to the intent, and OCC's interpretation, of the existing regulation. The OCC also believes that these revisions will reinforce the OCC's reliance on the statutory terms of its chartering authorities.

The OCC is also proposing to make a conforming amendment to 12 CFR 5.20(*l*) by replacing the term ''fiduciary activities'' with ''the operations of a trust company and activities related thereto'' to align paragraph (*l*) with paragraph (e) and reflect consistent language with 12 U.S.C. 27(a).[14] Paragraph (*l*) was added in 1996 as part of the OCC's reorganization of 12 CFR part 5.[15] In adding this paragraph, the OCC did not explain why it used the term ''fiduciary activities'' rather than referencing ''trust powers'' or ''trust business'' as used in the former 12 CFR 5.22.[16] Further, the reference to special purpose banks in paragraph (*l*) is illustrative and not restrictive.

To be clear, by proposing the above noted revisions in 12 CFR 5.20, the OCC intends to neither expand nor contract the OCC's authority to charter a national bank. As discussed above, the National Bank Act ''constitute[es] by itself a complete system for the establishment and government of national banks'' [17] and is ''the source of the Comptroller's powers and duties in the granting of a national bank charter.'' [18] Revising a potentially unclear provision of the OCC's regulations that purports to interpret its statutory authority will not deprive the public of information regarding the OCC's chartering and supervision authorities. As it always has, the OCC will evaluate all applications to charter a national bank within the confines of and consistent with the authority that Congress has granted to it under the National Bank Act.

II. Request for Comments

The OCC requests feedback on all aspects of the proposed rule. The OCC specifically requests comment on whether there is alternative language that the OCC could use to make the

[4] *See* 12 U.S.C. 22, 30(a).

[5] 68 FR 6363, 6370–71 (Feb. 7, 2003).

[6] 68 FR at 6373.

[7] 68 FR 70122, 70126 (Dec. 17, 2003).

[8] 68 FR at 70126.

[9] *See* OCC Interpretive Letter No. 1170 (July 22, 2020); OCC Interpretive Letter No. 1078 (Apr. 19, 2007); OCC Interpretive Letter No. 1176 (Jan. 11, 2021).

[10] *Compare* 12 U.S.C. 24(Seventh) *with* 12 U.S.C. 92a.

[11] 68 FR at 70126.

[12] *See* 84 FR 17969 (Apr. 29, 2019); OCC Interpretive letter No. 1078 at 4 (May 2007). National banks may also provide custody services in a fiduciary capacity when authorized in accordance with 12 U.S.C. 92a.

[13] This is derived from ''custody and safekeeping accounts'' information reported on Schedule RC–T of the Consolidated Reports of Condition and income.

[14] Paragraph (*l*) also applies to special purpose Federal savings associations.

[15] *See* 61 FR at 60346.

[16] *See* 12 CFR 5.22 (1995).

[17] *Cook Cnty. Nat'l Bank,* 107 U.S. at 448.

[18] *Webster Groves Tr. Co.* v. *Saxon,* 370 F.2d 381, 384 (8th Cir. 1996).

regulation more clear with respect to the OCC's chartering authority for national banks limited to the operations of a trust company and activities related thereto.

III. Regulatory Analyses

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 [19] (PRA) states that no agency may conduct or sponsor, nor is the respondent required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The agencies have reviewed this proposed rule and determined that it does not create any information collection or revise any existing collection of information. Accordingly, no PRA submissions to OMB will be made with respect to this proposed rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act [20] (RFA) requires an agency to consider the impact of its proposed rules on small entities. In connection with a proposed rule, the RFA generally requires an agency to prepare an Initial Regulatory Flexibility Analysis (IRFA) describing the impact of the rule on small entities, unless the head of the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities and publishes such certification along with a statement providing the factual basis for such certification in the **Federal Register**. An IRFA must contain: (1) a description of the reasons why action by the agency is being considered; (2) a succinct statement of the objectives of, and legal basis for, the proposed rule; (3) a description of and, where feasible, an estimate of the number of small entities to which the proposed rule will apply; (4) a description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements and the type of professional skills necessary for preparation of the report or record; (5) an identification, to the extent practicable, of all relevant Federal rules that may duplicate, overlap with, or conflict with the proposed rule; and (6) a description of any significant alternatives to the proposed rule that accomplish its stated objectives.

The OCC currently supervises 1,003 institutions (commercial banks, trust companies, Federal savings associations, and branches or agencies of foreign banks),[21] of which approximately 609 are small entities under the RFA.[22]

In general, the OCC classifies the economic impact on an individual small entity as significant if the total estimated impact in one year is greater than 5 percent of the small entity's total annual salaries and benefits or greater than 2.5 percent of the small entity's total non-interest expense. Furthermore, the OCC considers 5 percent or more of OCC-supervised small entities to be a substantial number, and at present, 30 OCC-supervised small entities would constitute a substantial number. This proposed rulemaking would impose no new mandates, and thus no direct costs, on affected OCC-supervised institutions.

Unfunded Mandates Reform Act

The OCC has analyzed the proposed rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA).[23] Under this analysis, the OCC considered whether the proposed rule includes a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year ($187 million as adjusted annually for inflation). Pursuant to section 202 of the UMRA,[24] if a proposed rule meets this UMRA threshold, the OCC would need to prepare a written statement that includes, among other things, a cost-benefit analysis of the proposal. The UMRA does not apply to regulations that incorporate requirements specifically set forth in law.

This proposed rulemaking would impose no new mandates, and thus no direct costs, on affected OCC-supervised institutions. The OCC, therefore, concludes that the proposed rule would not result in an expenditure of $187 million or more annually by state, local, and tribal governments, or by the private sector. Accordingly, the OCC has not prepared the written statement described in section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

Pursuant to section 302(a) of the Riegle Community Development and Regulatory Improvement Act of 1994, 12 U.S.C. 4802(a), in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, the agencies will consider, consistent with principles of safety and soundness and the public interest: (1) any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions and customers of depository institutions; and (2) the benefits of the proposed rule. The OCC requests comment on any administrative burdens that the proposed rule would place on depository institutions, including small depository institutions, and their customers, and the benefits of the proposed rule that the agencies should consider in determining the effective date and administrative compliance requirements for a final rule.

Providing Accountability Through Transparency Act of 2023

The Providing Accountability Through Transparency Act of 2023, 5 U.S.C. 553(b)(4), requires that a notice of proposed rulemaking include the internet address of a summary of not more than 100 words in length of a proposed rule, in plain language, that shall be posted on the internet website *www.regulations.gov.*

The Office of the Comptroller of the Currency proposes to amend its rule related to chartering of national banks to clarify the longstanding authority of national banks limited to the operations of trust companies and activities related thereto to engage in non-fiduciary activities in addition to their fiduciary activities.

The proposal and the required summary can be found at *https://www.regulations.gov* by searching for Docket ID OCC–2025–0768 and *https://occ.gov/topics/laws-and-regulations/occ-regulations/proposed-issuances/index-proposed-issuances.html.*

Executive Order 12866

Executive Order 12866, titled ''Regulatory Planning and Review,'' as amended, requires the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget to determine whether a

[19] 44 U.S.C. 3501–3521.

[20] *Id.*

[21] Based on data accessed using the OCC's Financial Institutions Data Retrieval System on December 18, 2025.

[22] The OCC bases its estimate of the number of small entities on the Small Business Administration's size thresholds for commercial banks and savings institutions, and trust companies, which are $850 million and $47 million, respectively. Consistent with the General Principles of Affiliation, 13 CFR 121.103(a), the OCC counted the assets of affiliated financial institutions when determining if it should classify an OCC-supervised institution as a small entity. The OCC used average quarterly assets in December 31, 2024 to determine size because a ''financial institution's assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year.'' *See* footnote 8 of the U.S. Small Business Administration's *Table of Size Standards.*

[23] 2 U.S.C. 1531 *et seq.*

[24] *Id.* 1532.

proposed rule is a ''significant regulatory action'' prior to the disclosure of the proposed rule to the public. If OIRA determines the proposed rule to be a ''significant regulatory action,'' Executive Order 12866 requires the agencies to conduct a cost-benefit analysis of the proposed rule. Executive Order 12866 defines a ''significant regulatory action'' as a regulatory action that is likely to (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

OMB has determined that this proposed rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866.

Executive Order 14192

Executive Order 14192, titled ''Unleashing Prosperity Through Deregulation,'' requires that an agency, unless prohibited by law, identify at least 10 existing regulations to be repealed when the agency publicly proposes for notice and comment or otherwise promulgates a new regulation with total costs greater than zero. Executive Order 14192 further requires that new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least ten prior regulations. This rule is not an Executive Order 14192 regulatory action because this rule is not significant under Executive Order 12866.

List of Subjects in 12 CFR Part 5

Administrative practice and procedure, National banks, Reporting and recordkeeping requirements, Savings associations, Securities.

Authority and Issuance

For the reasons set forth in the preamble, and under the authority of 12 U.S.C. 93a, the OCC proposes to amend chapter I of title 12 of the Code of Federal Regulations as follows:

PART 5—RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

■ 1. The authority citation for part 5 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.,* 24a, 35, 93a, 214a, 215, 215a, 215a–1, 215a–2, 215a–3, 215c, 371d, 481, 1462a, 1463, 1464, 1817(j), 1831i, 1831u, 2901 *et seq.,* 3101 *et seq.,* 3907, and 5412(b)(2)(B).

■ 2. Amend § 5.20 by revising and republishing paragraphs (e)(1)(i) and (l) to read as follows:

§ 5.20 Organizing a national bank or Federal savings association.

* * * * *

(e) * * *

(1) * * *

(i) The OCC charters a national bank under the authority of the National Bank Act of 1864, as amended, 12 U.S.C. 1 *et seq.* The bank may be a special purpose bank that limits its activities to the operations of a trust company and activities related thereto or to any other activities within the business of banking. A special purpose bank that conducts activities other than the operations of a trust company and activities related thereto must conduct at least one of the following three core banking functions: Receiving deposits; paying checks; or lending money. The name of a proposed national bank must include the word ''national.''

* * * * *

(l) * * *

(1) *In general.* A filer for a national bank or Federal savings association charter that will limit its activities to the operations of a trust company and activities related thereto, credit card operations, or another special purpose must adhere to established charter procedures with modifications appropriate for the circumstances as determined by the OCC. A filer for a national bank or Federal savings association charter that will have a community development focus must also adhere to established charter procedures with modifications appropriate for the circumstances as determined by the OCC. A national bank that seeks to invest in a bank or savings association with a community development focus must comply with applicable requirements of 12 CFR part 24. A Federal savings association that seeks to invest in a bank or savings association with a community development focus must comply with § 160.36 or any other applicable requirements.

* * * * *

Jonathan V. Gould,

Comptroller of the Currency.

[FR Doc. 2026–00372 Filed 1–9–26; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0009; Project Identifier MCAI–2025–00436–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS 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 Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320 series airplanes; and Model A321–211, –212, –213, –231,–232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. This proposed AD was prompted by a review of the cold working process on the assembly line that detected a deviation to the manufacturing process. This proposed AD would require repetitive inspections for the nominal design condition of the fastener holes in the pressure deck membrane to center wing box attachment and, as applicable, an inspection for cracking at the affected area and corrective 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 26, 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–2026–0009; 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; telephone +49 221 8999 000; email *ADs@easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2026–0009.

• 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.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 404–545–5064; email: *Bill.Ashforth@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–2026–0009; Project Identifier MCAI–2025–00436–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 Bill Ashforth, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 404–545–5064; email: *Bill.Ashforth@faa.gov.* 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, has issued EASA AD 2025–0066, dated March 28, 2025 (EASA AD 2025–0066) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, –133; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, –273N; and Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this proposed AD therefore does not include those airplanes in the applicability. The MCAI states that, during a review of the cold working process on the assembly line, a deviation to the manufacturing process was detected, which could adversely affect the fatigue life of the pressure deck membrane to center wing box attachment. This condition, if not addressed, could lead to crack initiation and propagation, resulting in reduced structural integrity of the airplane.

The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2026–0009.

Material Incorporated by Reference Under 1 CFR Part 51

This proposed AD would require repetitive inspections for the nominal condition of the fastener holes in the pressure deck membrane and, as applicable, an inspection for cracking at the affected area and corrective actions.

EASA AD 2025–0066 specifies procedures for repetitive special detailed inspections (SDI) for any discrepancy of the fastener holes (*i.e.,* fastener holes that are not in nominal design condition) in the pressure deck membrane to the center wing box attachment, under titanium angle connection and corner brackets at frame 36, at stringer 30, both left hand and right hand sides. EASA AD also specifies procedures for a rototest inspection for any discrepancy (*i.e.,* cracking) at the affected area and corrective actions, as applicable. Corrective actions include contacting Airbus for approved repair instructions and accomplishing those instructions. EASA AD 2025–0066 also specifies procedures for repairing fastener holes, which would terminate the repetitive inspections.

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 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 in 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 2025–0066 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

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 civil aviation authority (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 2025–0066 by

reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2025–0066 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 2025–0066 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 2025–0066. Material required by EASA AD 2025–0066 for compliance will be available at *regulations.gov* under Docket No. FAA–2026–0009 after the FAA final rule is published.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 477 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 76 work-hours × $85 per hour = $6,460	Up to $183	Up to $6,643	Up to $3,168,711.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85 (rototest inspection)	$0	$85

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

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

The FAA has received no definitive data on which to base the cost estimates for the optional actions 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:

Airbus SAS: Docket No. FAA–2026–0009; Project Identifier MCAI–2025–00436–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 26, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model airplanes specified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2025–0066, dated March 28, 2025 (EASA AD 2025–0066).

(1) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(2) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(3) Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –271N, –271NX, –272N, and –272NX airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a review of the cold working process on the assembly line that detected a deviation to the

manufacturing process. The FAA is issuing this AD to address a deviation to the manufacturing process, which could adversely affect the fatigue life of the pressure deck membrane to center wing box attachment. This condition, if not addressed, could lead to crack initiation and propagation, resulting in reduced structural integrity of the airplane.

(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, EASA AD 2025–0066.

(h) Exceptions to EASA AD 2025–0066

(1) Where paragraph (2) of EASA AD 2025–0066 specifies ''any discrepancy, as defined in the SB'', this AD requires replacing that text with ''any fastener hole is not in nominal design condition, as defined in the SB''.

(2) Where paragraph (3) of EASA AD 2025–0066 specifies ''no discrepancy'', this AD requires replacing that text with ''fastener holes are in nominal design condition, as defined in the SB''.

(3) Where paragraph (4) of EASA AD 2025–0066 specifies if ''any discrepancy is detected, as defined in the SB, before next flight, contact Airbus for approved repair instructions and, within the compliance time specified therein, accomplish those instructions accordingly'', this AD requires replacing that text with ''any cracking is detected, repair the cracking before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature''.

(4) Where paragraph (6) of EASA AD 2025–0066 specifies ''no discrepancy'', this AD requires replacing that text with ''no cracking''.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2025–0066.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2025–0066 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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 (k) of this AD and email 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) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraphs (h), (i), and (j)(2) of this AD, if any material contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Additional Information

For more information about this AD, contact Bill Ashforth, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 404–545–5064; email: *Bill.Ashforth@faa.gov.*

(l) 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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2025–0066, dated March 28, 2025.

(ii) [Reserved]

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

(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 8, 2026.

Peter A. White,

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

[FR Doc. 2026–00430 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2026–0010; Project Identifier AD–2025–01181–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 all The Boeing Company Model 737–700, –700C, –800, –900, and –900ER series airplanes. This proposed AD was prompted by reports of cracks in the outward lower wing skin at the outboard end of a certain stringer. This proposed AD would require an inspection of the outboard lower wing skin on the left and right wing for any repair, repetitive inspections for cracking 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 26, 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–2026–0010; 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 Aviation Partners Boeing material identified in this proposed AD, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila WA 98188; telephone 206–830–7699; email: *certification@aviationpartners.com;* website *aviationpartnersboeing.com.*
- 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. Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025, is also available at *regulations.gov* under Docket No. FAA–2026–0010.

FOR FURTHER INFORMATION CONTACT: Owen Bley-Male, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3992; email: *owen.f.bley-male@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–2026–0010; Project Identifier AD–2025–01181–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 Owen Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; email: *owen.f.bley-male@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 indicating that during routine maintenance inspections, cracks were found in the outboard lower wing skin at the outboard end of stringer S–9, common to the most outboard fastener. The cracks extended in the forward and aft direction and ranged from 2 inches to 5 inches in length. The affected airplanes had accumulated between 20,602 to 30,150 flight cycles and 41,777 to 77,993 flight hours at the time of finding. Further analysis determined that stringer S–10 has an equivalent stress level to stringer S–9 and could also be susceptible to early cracking. This condition, if not addressed, could lead to the inability of the principal structural element to sustain limit loads and subsequent loss of structural integrity 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 737–57A1356 RB, dated May 14, 2025. This material specifies procedures for an external general visual inspection of the outboard lower wing skin on the left and right wings, at the two most outboard fasteners at S–9 and S–10, for any repair; repetitive external surface high frequency eddy current (HFEC) inspections for cracking at the outboard lower wing skin on the left and right wings, at the two most outboard fasteners at S–9 and S–10; and applicable on-condition actions. On-condition actions include contacting Boeing for alternative inspections or repair instructions and doing the alternative inspections if repairs are found or doing the repair if cracks are found.

The FAA also reviewed Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025. This material specifies procedures for an external general visual inspection of the outboard lower wing skin on the left and right wings, at the two most outboard fasteners at S–9 and S–10, for any repair; repetitive external surface HFEC inspections for cracking at the outboard lower wing skin on the left and right wings, at the two most outboard fasteners at S–9 and S–10; and applicable on-condition actions. On-condition actions include contacting Aviation Partners Boeing for alternative inspections or repair instructions and doing the alternative inspections if repairs are found or doing the repair if cracks are found, and repair for any crack outside of the boundary of the skin cutout. 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 Boeing Alert Service Bulletin 737–57A1356, dated May 14, 2025, at *regulations.gov* under Docket No. FAA–2026–0010.

The earliest initial compliance time for the actions in the Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025, is before 20,000 flight cycles or before 40,000 flight hours, whichever comes first.

The repetitive intervals vary depending on group configuration. The earliest repetitive interval is 3,000 flight cycles.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 1,857 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
General visual inspection (left and right wing).	2 work-hours × $85 per hour = $170	$0	$170	$315,690.
HFEC inspection	2 work-hours × $85 per hour = $170 per inspection cycle.	0	$170 per inspection cycle.	$315,690 per inspection cycle.

The FAA estimates the following costs to do any necessary repairs for any crack outside the boundary of the skin cutout that would be required based on the results of the proposed inspection specified in Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025. The agency has no way of determining the number of aircraft that might need these on-condition actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repairs	54 work-hours × $85 per hour = $4,590	Up to $11,180	Up to $15,770.

The FAA has received no definitive data on which to base the cost estimates for other on-condition repairs and alternative inspections 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–2026–0010; Project Identifier AD–2025–01181–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 26, 2026.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–700, –700C, –800, –900, and –900ER series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wing.

(e) Unsafe Condition

This AD was prompted by reports of cracks in the outward lower wing skin at the outboard end of stringer S–9. The FAA is issuing this AD to address cracks on the left and right wing at outboard fasteners at S–9 and S–10. The unsafe condition, if not addressed, could lead to the inability of the principal structural element to sustain limit loads and subsequent loss of structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For all airplanes except those identified in paragraph (g)(2) of this AD: Except as specified by paragraphs (h)(1) and (2) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025.

Note 1 to paragraph (g)(1): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 737–57A1356, dated May 14, 2025, which is referred to in Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025.

(2) For all airplanes identified in Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27,

2025: Except as specified by paragraphs (h)(3) and (4) of this AD, at the applicable times specified in paragraph 1.E., ''Compliance'' of Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025.

(h) Exceptions to Requirements Bulletin and Service Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025, refer to the original issue date of Requirements Bulletin 737–57A1356 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025, specifies contacting Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, and doing the alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025, refer to the original issue date of Service Bulletin AP737–57–022, this AD requires using the effective date of this AD.

(4) Where Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025, specifies contacting Aviation Partners Boeing for repair instructions or for alternative inspections: This AD requires doing the repair, and doing the alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g)(2) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Alert Service Bulletin AP737–57–022, dated April 17, 2025, or Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 1, dated June 13, 2025.

(j) 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 (k)(1) 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.

(k) Additional Information

(1) For more information about this AD, contact Owen Bley-Male, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; email: *owen.f.bley-male@faa.gov.*

(2) For Aviation Partners Boeing material identified in this AD that is not incorporated by reference, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila, WA 98188; telephone 206–830–7699; email: *certification@aviationpartners.com;* website *aviationpartnersboeing.com.*

(3) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (l)(4) this AD.

(l) 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) Aviation Partners Boeing Alert Service Bulletin AP737–57–022, Revision 2, dated August 27, 2025.

(ii) Boeing Alert Requirements Bulletin 737–57A1356 RB, dated May 14, 2025.

(3) For Aviation Partners Boeing material identified in this AD, contact Aviation Partners Boeing, 555 Andover Park West, Suite 200, Tukwila, WA 98188; telephone 206–830–7699; email: *certification@aviationpartners.com;* website *aviationpartnersboeing.com.*

(4) 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.*

(5) 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.

(6) 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 8, 2026.

Peter A. White,

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

[FR Doc. 2026–00409 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 270, 275, and 279

[Release Nos. IA–6935; IC–35864; File No. S7–2026–01]

RIN 3235–AN39

''Small Business'' and ''Small Organization'' Definitions for Investment Companies and Investment Advisers for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Securities and Exchange Commission (the ''Commission'' or the ''SEC'') is proposing to amend the rules under the Investment Company Act of 1940 (the ''Investment Company Act'') and under the Investment Advisers Act of 1940 (the ''Advisers Act'') that define the terms ''small business'' and ''small organization'' for purposes of the Regulatory Flexibility Act (the ''RFA'') to increase the asset-based thresholds used in those definitions. The Commission also is proposing a mechanism for periodic future inflation adjustments of the asset-based thresholds used in these definitions. The Commission further is proposing amendments to Form ADV and the rule providing continuing hardship exemptions from filing electronically for investment advisers in connection with the proposed amendments.

DATES: Comments should be received on or before March 13, 2026.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's comment form (*https://www.sec.gov/comments/s7-2026-01/small-entity-definition-amendments-investment-advisers-investment-companies*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–2026–01 on the subject line.

Paper Comments

- Send paper comments to Vanessa A. Countryman, Secretary, Securities

and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number S7–2026–01. 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 of submission. The Commission will post all comments on the Commission's website (*https://www.sec.gov/comments/s7-2026-01/small-entity-definition-amendments-investment-advisers-investment-companies*). 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.

Studies, memoranda, or other substantive items may be added by the Commission or staff to the comment file during this rulemaking. A notification of the inclusion in the comment file of any such materials will be made available on the Commission's website. To ensure direct electronic receipt of such notifications, sign up through the ''Stay Connected'' option at *www.sec.gov* to receive notifications by email.

A summary of the proposal of not more than 100 words is posted on the Commission's website (*https://www.sec.gov/rules-regulations/2026/01/s7-2026-01*).

FOR FURTHER INFORMATION CONTACT: Andrew Deglin, Senior Counsel, Amanda Hollander Wagner, Senior Special Counsel, or Brian McLaughlin Johnson, Assistant Director, Investment Company Regulation Office, at (202) 551–6792, Alexander Haer, Attorney-Adviser, Neema Nassiri, Senior Counsel, Sirimal R. Mukerjee, Senior Special Counsel, or Robert Holowka, Acting Assistant Director, Investment Adviser Regulation Office, at (202) 551–6787, Division of Investment Management, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–8549.

SUPPLEMENTARY INFORMATION: The Commission is proposing for public comment amendments to 17 CFR 275.0–7 (''rule 0–7'') and 17 CFR 275.203–3(b) (''rule 203–3(b)'') under the Advisers Act, 17 CFR 270.0–10 under the Investment Company Act (''rule 0–10'' and, together with rule 0–7, the ''Small Entity Rules''), and Form ADV (17 CFR 279.1) under the Advisers Act.

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I. Introduction

A. Background

The Commission has a longstanding commitment to understanding and addressing the concerns of small entities and has established the Office of Small Business Policy, the Office of the Advocate for Small Business Capital Formation (the ''Small Business Advocate Office''), and the Small Business Capital Formation Advisory Committee to be responsive to such concerns.[1] In the context of rulemaking, the Commission tailors its regulations to the relevant characteristics of regulated entities and weighs the impact of its rules on small entities, including through performing analyses under the RFA. A purpose of the RFA is to promote the effectiveness and efficiency of regulations, including through consideration of alternative regulatory approaches, with the goal of minimizing the significant economic impact on small entities consistent with the stated objectives of applicable statutes.[2] The Commission is required to determine if a rulemaking is likely to have a ''significant economic impact on a substantial number of small entities'' under the RFA.[3] Unless the Commission certifies that the rulemaking will not have such an impact, the Commission is required to conduct a regulatory flexibility analysis both during the proposal and final stages of adopting a rule.[4]

The Small Business Act gives the Administrator of the U.S. Small Business Administration (the ''SBA'') authority to establish small business size standards for all Federal agencies, in the absence of other specific statutory authority.[5] An agency may nevertheless prescribe its own small business size standard pursuant to section 601(3) of the RFA if, as described in 13 CFR 121.903(c), the agency consults with the SBA Office of Advocacy and the size standard will be used for the sole purpose of performing a regulatory flexibility analysis.[6] Allowing agencies to establish their own definitions for the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction'' for purposes of the RFA analyses gives agencies flexibility in applying the provisions of the RFA.[7]

[1] The Office of Small Business Policy in the Division of Corporation Finance, which was originally established by the Commission in 1979, assists companies seeking to raise capital through exempt or smaller registered offerings and answers interpretive questions on federal securities laws that may affect small businesses. *See* Office of Small Business Policy Division of Corporation Finance, *available at https://www.sec.gov/resources-small-businesses/office-small-business-policy-division-corporation-finance*. Pursuant to the SEC Small Business Advocate Act of 2016, the Commission in 2019 created its Small Business Advocate Office to advocate within the Commission and externally for practical solutions to challenges faced by small businesses and their investors. *See* 15 U.S.C. 78d and 78qq; *see also* Office of the Advocate for Small Business Capital Formation, *available at https://www.sec.gov/about/divisions-offices/office-advocate-small-business-capital-formation*. The Commission's Small Business Advocate Office provides an annual report to Congress that serves as a resource on the dynamics of small business capital raising and includes data-driven policy recommendations based on the office's feedback from and engagement with small businesses and their investors. Office of the Advocate for Small Business Capital Formation, *available at https://www.sec.gov/about/divisions-offices/office-advocate-small-business-capital-formation*. Pursuant to the SEC Small Business Advocate Act of 2016, the Commission also established the Small Business Capital Formation Advisory Committee (which succeeded the Advisory Committee on Small and Emerging Companies, whose term expired in 2017) to provide a formal mechanism for the Commission to receive advice and recommendations from market participants on Commission rules, regulations, and policy matters relating to small businesses. *See* Small Business Capital Formation Advisory Committee, *available at https://www.sec.gov/about/advisory-committees/small-business-capital-formation-advisory-committee*.

[2] Public Law 96–354, 2, Sept. 19, 1980, 94 Stat. 1164; 5 U.S.C. 601–612.

[3] *See* 5 U.S.C. 602. The RFA does not define ''significant economic impact'' or ''substantial number of small entities.''

[4] 5 U.S.C. 605.

[5] 15 U.S.C. 632(a)(2). 15 U.S.C. 632(a)(1) sets forth the default standard for a ''small business concern'' as ''one which is independently owned and operated and which is not dominant in its field of operation.''

[6] 13 CFR 121.903(c). *See also* Small Business Size Regulations; Size Standards for Programs of Other Agencies, 67 FR 13714 (Mar. 26, 2002).

[7] 5 U.S.C. 601. Under the RFA, the term ''small entity'' has the same meaning as the terms ''small business,'' ''small organization,'' and ''small

As described in more detail below, the Commission in 1982 adopted rule 0–7 for investment advisers and rule 0–10 for investment companies to define ''small business'' and ''small organization'' for purposes of Commission rulemakings under the Advisers Act and Investment Company Act, respectively.[8] These definitions were last amended in 1998 [9] and, in connection with outreach to small entities, the Commission has subsequently received requests to update the definitions.[10]

Under rule 0–7, an investment adviser is deemed a small entity if it: (i) has regulatory assets under management (''RAUM'') of less than $25 million (the ''RAUM Threshold''); [11] (ii) did not have total assets of $5 million or more on the last day of the most recent fiscal year (the ''Total Assets Threshold''); and (iii) does not control, is not controlled by, and is not under common control with (a ''control relationship'') another investment adviser that has assets under management of $25 million or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of the most recent fiscal year (the ''Control Relationship Threshold''). Under rule 0–10, an investment company is deemed a small entity if it, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less as of the end of its most recent fiscal year.[12] A group of related investment companies is defined, with respect to management companies, as: two or more management companies (including series thereof) that: (1) hold themselves out to investors as related companies for purposes of investment and investor services; and (2) either (i) have a common investment adviser or have investment advisers that are affiliated persons of each other; or (ii) have a common administrator.[13]

governmental jurisdiction'' as defined under the RFA, unless the agency has established a definition of such term. In the latter case, the definition of the term is instead what was established by the agency.

[8] *See* Final Definitions of ''Small Business'' and ''Small Organization'' for Purposes of the Regulatory Flexibility Act, Investment Company Act Release No. 12194 (Jan. 28, 1982) [47 FR 5215 (Feb. 4, 1982)] (''1982 Adopting Release''). Unless otherwise specified, the term ''investment companies'' or ''funds'' in this release refers collectively to registered investment companies and business development companies but not entities excluded from the definition of investment company under the Investment Company Act such as private funds.

[9] *See* Definitions of ''Small Business'' or ''Small Organization'' Under the Investment Company Act of 1940, Investment Advisers Act of 1940, the Securities Exchange Act of 1934, and the Securities Act of 1933, Investment Company Act Release No. 23272 (June 24, 1998) [63 FR 35508 (June 30, 1998)] (''1998 Adopting Release'').

[10] *See, e.g.,* Report on the 43rd Annual Small Business Forum (Sept. 20, 2024) (describing how participants in the Commission's 2024 Small Business Forum recommended that the Commission revise the definition of ''small entity'' under the RFA in order to better assess regulatory costs), *available at https://www.sec.gov/files/2024-oasb-annual-forum-report.pdf;* Investment Adviser Association; Petition for Rulemaking to Amend the Definition of ''Small Entity'' in Rule 0–7 under the Investment Advisers Act of 1940 for Purposes of the Regulatory Flexibility Act (Sept. 14, 2023) (''IAA Petition'') (requesting that the Commission amend rule 0–7 to use the number of employees of an investment adviser as the appropriate size standard for purposes of determining the impact of regulations on small investment advisers), *available at https://www.sec.gov/files/rules/petitions/2023/petn4-811.pdf;* SEC Asset Management Advisory Committee, Final Report and Recommendations for Small Advisers and Funds (Nov. 3, 2021) (''AMAC Report'') (recommending that the Commission modernize the definitions of ''small entities'' for RFA considerations), *available at https://www.sec.gov/files/final-recommendations-amac-sec-small-advisers-and-funds-110321.pdf;* and U.S. Department of the Treasury, A Financial System That Creates Economic Opportunities: Capital Markets (Oct. 6, 2017) (stating that thresholds for small entity definitions under the Investment Company Act and the Advisers Act have not been changed in many years), *available at https://home.treasury.gov/system/files/136/A-Financial-System-Capital-Markets-FINAL-FINAL.pdf.*

[11] Rule 0–7(a)(1) does not directly refer to the term ''regulatory assets under management'' for purposes of the RAUM Threshold but instead references ''assets under management, as defined under Section 203A(a)(3) of the [Advisers] Act and reported on [the investment adviser's] annual updating amendment to Form ADV[.]'' Section 203A(a)(3) of the Advisers Act defines ''assets under management'' to mean ''the securities portfolios with respect to which an investment adviser provides continuous and regular supervisory or management services,'' and rule 203A–3 under the Advisers Act further provides that such amount should be determined ''as reported on the investment adviser's Form ADV.'' 17 CFR 275.203A–3. In turn, Form ADV requires investment advisers to calculate and report ''the securities portfolios for which [they] provide continuous and regular supervisory or management services'' as their ''regulatory assets under management.'' Instruction 5.b. of Form ADV Part 1A; *see also* Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 3221 (June 22, 2011) [76 FR 42950 (July 19, 2011)] (using the term ''regulatory assets under management'' to implement a uniform method to calculate and report assets under management for Form ADV and other regulatory purposes). We use the term ''regulatory assets under management'' throughout this release because investment advisers are familiar in practice with the term in connection with their Form ADV reporting and other Advisers Act compliance obligations.

[12] *See* 17 CFR 210.6–04 (Regulation S–X section generally applicable to balance sheets filed by registered investment companies and business development companies, including requirements for disclosure of net assets).

[13] Rule 0–10(a). In the case of unit investment trusts (''UITs''), a group of related investment companies is defined as two or more UITs (including series thereof) that have a common sponsor.

1. The Regulatory Flexibility Act of 1980

The RFA requires that the Commission conducts an initial regulatory flexibility analysis (an ''IRFA'') in connection with a proposed rule and a final regulatory flexibility analysis (a ''FRFA'') in connection with a final rule, subject to certain exceptions.[14] Each IRFA is required to include, among other items, a description of the reasons why action by the agency is being considered and a description of and, where feasible, an estimate of the number of small entities to which the proposed rule would apply [15] as well as a description of any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the proposed rule on small entities.[16] The IRFA, or a summary of the IRFA, must be published in the **Federal Register** at the time of the publication of the proposed rule.[17] This gives the public the opportunity to review the IRFA and provide comments on the agency's analysis.

The FRFA complements the IRFA and requires the agency to include, among other items: a statement of the need for, and objectives of, the rule; a statement of the significant issues raised by the public comments in response to the 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; the response of the agency to any comments filed by the Chief Counsel for Advocacy of the SBA; and a description of the steps the agency has taken to minimize the significant economic impact on small entities.[18] The effect of the IRFA and FRFA elements collectively is that agencies take small entity considerations and relevant alternatives into account when

[14] 5 U.S.C. 603–604. *See also* 5 U.S.C. 601(2) (RFA does not apply to a rule that is not considered a ''rule'' under the RFA) and 5 U.S.C. 605(b) (IRFA and FRFA are not required if an agency certifies the rule will not have a significant economic impact on a substantial number of small entities).

[15] *See* 5 U.S.C. 603 (setting forth the requirements for the IRFA).

[16] *See id.* (requiring the description to discuss significant alternatives such as ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities'').

[17] *Id.*

[18] 5 U.S.C. 604 (setting forth the requirements for the FRFA).

proposing rules, and then go through a particular process in weighing public input on the IRFA and small entity considerations when adopting these rules.

The Commission is subject to other substantive requirements under the RFA, in addition to the IRFA and FRFA. The Commission must establish plans for periodically reviewing rules that have or will have a significant economic impact on a substantial number of small entities [19] and must publish regulatory flexibility agendas semiannually in the **Federal Register** that describe rules it is considering that may have a significant economic impact on a substantial number of small entities.[20] The Chief Counsel for Advocacy of the SBA must monitor compliance with the requirements created by the RFA and must provide a report annually to Congress and the President on its findings.[21] Small entities also have legal recourse when adversely affected by final agency rules subject to the RFA—in 1996, Congress passed the Small Business Regulatory Enforcement Fairness Act (''SBREFA''), which provides small entities an avenue for judicial review of an agency's compliance with certain of the requirements created by the RFA, including the FRFA.[22]

2. Investment Company Size Standards

a. Initial Size Standards

Shortly after Congress enacted the RFA, the Commission proposed and adopted rules to define which of the entities it regulates would qualify as ''small entities'' for purposes of the RFA.[23] While the SBA generally expressed its size standards in terms of number of employees or average annual receipts, the Commission determined that neither approach was appropriate for investment companies.[24] First, investment companies are typically externally managed and have few, if any, employees. Additionally, investment companies primarily generate revenue through capital appreciation and other investment returns, not receipts from the sale of goods or services. Even if the income from dividends and interest were considered receipts, investment companies with different investment objectives would have varying receipts depending upon the investment objective of the company and not necessarily because of a given investment company's size.[25]

For investment companies, the Commission instead developed the initial threshold by analyzing a sample of investment companies' adjusted expense ratios and identifying a net asset threshold below which funds typically disclosed higher than average expense ratios.[26] The Commission's rationale was that those funds that already experienced high expenses as a percentage of net assets would not be as well-positioned to bear regulatory costs. Based on the analysis of expense ratios, the Commission ultimately adopted a threshold that deemed an investment company a small entity if it had $50 million or less in net assets as of the end of its most recent fiscal year.[27] At the time of adoption, approximately 62% of investment companies met the definition of a ''small entity'' for the purposes of the RFA.

b. Amendments to Size Standards

As originally adopted, the definition of ''small entity'' focused only on individual investment companies' assets—that is, whether a given investment company was a small entity depended exclusively on the net asset size of that investment company. In 1996, however, the SBA adopted rules that, depending on certain facts and circumstances, treat multiple entities that have substantially identical business interests as a single entity.[28] Shortly thereafter, the Commission amended rule 0–10 to provide that ''small entity'' means ''an investment company that, together with other investment companies in the same group of related investment companies, has net assets of $50 million or less.'' [29] Therefore, while the ''small entity'' designation still applied to individual funds, whether any individual fund was deemed small depended upon the aggregate net assets of all funds within its respective ''group of related investment companies.''

A group of related investment companies was defined to include two or more management companies (including series thereof) that: (i) hold themselves out to investors as related companies for purposes of investment and investor services; and (ii) either (A) have a common investment adviser or have investment advisers that are affiliated persons of each other; or (B) have a common administrator.[30] For unit investment trusts, ''group of related investment companies'' was defined as two or more unit investment trusts (including series thereof) that have a common sponsor.[31] Finally, the Commission created a special rule for insurance company separate accounts, which requires that the assets of any separate account be cumulated with the assets of the general account and all other separate accounts of the insurance company to determine whether the separate account is a small entity.[32]

[19] 5 U.S.C. 610. The plans should provide for the review of such rules within 10 years of the publication of such rules as the final rules. However, completion of the review may be extended by up to 5 years if the head of the agency determines that completion is not feasible by the established date. *Id.*

[20] 5 U.S.C. 602.

[21] 5 U.S.C. 612.

[22] 5 U.S.C. 611; *see* Public Law 104–121, Title II, 110 Stat. 857 (1996) (codified in various sections of 5 U.S.C., 15 U.S.C., and as a note to 5 U.S.C. 601). Small entities are entitled to judicial review of agency compliance with the requirements of sections 601, 604, 605(b), 608(b), and 610 in accordance with Chapter 7 of Part I of Title 5 of the U.S. Code, and agency compliance with sections 607 and 609(a) is judicially reviewable in connection with judicial review of section 604.

[23] Proposed Definitions of ''Small Business'' and ''Small Organization'' for Purposes of the Regulatory Flexibility Act, Investment Company Act Release No. 11694 (Mar. 20, 1981) [46 FR 19251 (Mar. 30, 1981)] (''1981 Proposing Release''); 1982 Adopting Release, *supra* footnote 8.

[24] 1981 Proposing Release, *supra* footnote 23, at section II.F; *see also* 1982 Adopting Release, *supra* footnote 8 (the definition of ''small'' was proposed ''[i]n view of the apparent absence of appropriate standards'' set forth in the Small Business Act, RFA, or the regulations promulgated by the SBA).

[25] *See also infra* footnote 62 (discussing the AMAC Report, which recommends defining small funds based on whether the fund's adviser has fewer than 50 employees or annual revenue less than $25 million).

[26] *See* 1981 Proposing Release, *supra* footnote 23 at section II.F. An expense ratio is the quotient of expenses divided by average net assets. The adjusted expense ratio used for this analysis was computed by subtracting any taxes, interest, securities loan fees, or dividends from securities sold short from the fund's total expenses and dividing the remaining total by average net assets.

[27] To arrive at this threshold, the Commission analyzed the adjusted expense ratios of a random sample of 500 investment companies. The Commission calculated the average (mean) adjusted expense ratio plus one standard deviation and identified the population of funds whose adjusted expense ratio exceeded that amount. The Commission then identified the range of sizes for funds in that higher expense group—ranging from approximately $6 million to $47.2 million in net assets—and set the threshold at $50 million to ensure that the largest fund within the high expense group would be deemed a ''small entity.''

[28] *See* Small Business Size Standards, 61 FR 3280–01 (Jan. 31, 1996); *see also* 13 CFR 121.103 (''How does SBA determine affiliation?''). The SBA size standards consider if entities are affiliated by such factors as control, management, ownership, and contractual relationships in determining whether an entity is ''independently owned and operated,'' and thus, ''small.'' 15 U.S.C. 632(a)(1). These relationships allow the ''small'' affiliates to rely on a larger entity that centralizes administrative and compliance systems for all affiliates, significantly reducing regulatory burdens for each individual affiliate.

[29] 1998 Adopting Release, *supra* footnote 9.

[30] Rule 0–10(a)(1). The investment company itself, not the group, continued to be the entity considered ''small'' for the purposes of the RFA.

[31] Rule 0–10(a)(2).

[32] Rule 0–10(b).

The shift to aggregating assets across groups of related investment companies reflected the Commission's understanding that funds within a complex typically use the same administrative, management, and compliance systems to oversee all the funds within the complex, so fees imposed on the fund by the adviser or administrator typically reflect economies of scale that the adviser or administrator achieves from managing other funds.[33] Because the Commission did not also change the net asset threshold, the requirement to aggregate the net assets of all funds within a group of related investment companies had the effect of substantially reducing the percentage of funds deemed ''small entities'' under rule 0–10. Shortly after this amendment, the Commission estimated that about 9% of investment companies were ''small'' for the purposes of the RFA.[34]

3. Investment Adviser Size Standards

a. Initial Size Standards

The Commission initially adopted definitions for ''small business'' and ''small organization'' pursuant to the RFA for investment advisers at the same time as it did for investment companies.[35] As noted above, the Commission did not adopt what it saw as the most relevant of the SBA size standards for ''small entities,'' which are generally based on an entity's number of employees or average annual receipts. It did not do so because: (i) the Commission did not have sufficient information regarding investment advisers to apply these standards, (ii) the advisory industry is not generally labor intensive, and (iii) it was unlikely that any investment advisers would be larger than the most-relevant standards that were then being used or considered by the SBA.[36]

The Commission initially chose to define investment advisers as small entities using two alternative thresholds. The first threshold required that an investment adviser manage assets with a total value of $50 million or less (measured in assets under management instead of net assets as for investment companies) because of what the Commission at that time saw as the similarities between the investment company and investment advisory businesses with respect to the management of a portfolio of assets. The second threshold defined investment advisers as small entities if the adviser solely, or in addition to managing assets of $50 million or less, rendered other advisory services, and the assets relating to its advisory business did not exceed $50,000 in value as of the most recent fiscal year end. As a result of this second threshold, approximately 55% of investment advisers were deemed small.[37] The Commission originally selected this threshold because it reflected approximately the median value of advisers' business assets at the time.[38]

b. 1998 Amendments

The Commission revised rule 0–7 in 1998 so that an investment adviser would be considered a small entity if: (i) neither the investment adviser, nor any investment adviser it has a control relationship with, has $25 million or more of RAUM, and (ii) neither the investment adviser, nor any person (other than a natural person) in a control relationship with the investment adviser, has $5 million or more of total assets.[39] The threshold was adjusted down from $50 million to $25 million in order to align the definition of ''small entity'' with the assets under management (''AUM'') threshold that had been enacted under the National Securities Markets Improvement Act of 1996 (''NSMIA''), which allocated regulatory responsibility for investment advisers with less than $25 million in AUM to the states and generally prohibited their registration with the Commission.[40] The Commission, referencing Congressional reports, stated that NSMIA permitted states to assume a primary role with respect to investment advisers that were smaller local businesses, while the Commission would be focused on larger investment advisers most likely to be engaged in interstate commerce, and amended the definitions of ''small business'' and ''small organization'' accordingly.[41] Although the Dodd-Frank Act in 2010 (Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. 111–203, 124 Stat. 1376 (2010) (the ''Dodd-Frank Act'')) effectively raised the minimum registration threshold for investment advisers to $100 million, the RAUM Threshold was not increased at that time and, as a result, the number of small entities significantly decreased.

The ''control relationship'' prong was designed to take into account SBA size standards in determining whether to consider an investment adviser as ''small.''[42] As stated above, the SBA size standards indicate that multiple entities that have substantially identical business or economic interests may be treated as a single entity,[43] and under the RFA, a small organization should be ''independently owned and operated.''[44] In line with these considerations, the Commission stated that an investment adviser in a control relationship with a different large financial services firm typically benefits from the financial and technical resources that the larger firm may bring to bear, and the larger firm may handle the administrative and compliance needs of the affiliated investment adviser using resources that would not be included in the calculation as to whether an investment adviser is a ''small business'' or ''small organization'' under rule 0–7 if only the investment adviser's financial resources were considered.[45] The ''control relationship'' prong thus prevents an investment adviser from being considered ''small'' if it is in a control relationship with (i) another investment adviser that has $25 million or more RAUM or (ii) any person (other than a natural person) with total assets of $5 million or more on the last day of the most recent fiscal year.[46] The 1998 amendments also replaced the ''business assets'' test with a more simplified formulation, instead measuring ''total assets,'' changing the threshold to $5 million, and extending the test to all investment advisers.[47]

[33] Definitions of ''Small Business'' or ''Small Organization'' Under the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Exchange Act of 1934, and the Securities Act of 1933, Investment Company Act Release No. 22478 (Jan. 22, 1997) [62 FR 4106 (Jan. 28, 1997)] (''1997 Proposing Release''), at section II.A.

[34] Deregistration of Certain Registered Investment Companies, Investment Company Act Release No. 23588 (Dec. 4, 1998) [63 FR 69236 (Dec. 16, 1998)] (''Of approximately 3900 active registered investment companies (including BDCs), 339 funds are small entities.''); *see also* 1998 Adopting Release, *supra* footnote 9, at text following n.35 (estimating that about 400 investment companies would be treated as small businesses under the amendments).

[35] *See* 1981 Proposing Release, *supra* footnote 23, and 1982 Adopting Release, *supra* footnote 8.

[36] 1981 Proposing Release, *supra* footnote 23, at section II.F.

[37] 1982 Adopting Release, *supra* footnote 8.

[38] *See* 1997 Proposing Release, *supra* footnote 33, at n.57.

[39] *See* 1998 Adopting Release, *supra* footnote 9, at section II.B.

[40] *See id.* at section II.B.

[41] *See* 1998 Adopting Release, *supra* footnote 9, at n.47 and accompanying text.

[42] *See id.* at section I; *see also supra* footnotes 6 and 28 (discussing elements of the SBA size standards set forth in 13 CFR 121).

[43] 13 CFR 121.103(f).

[44] *See* 5 U.S.C. 601(4).

[45] 1997 Proposing Release, *supra* footnote 33, at section I.B.

[46] *See* rule 0–7(a)(3).

[47] *See* 1998 Adopting Release, *supra* footnote 9, at section II.B.

B. Overview of the Proposal

We are proposing to amend the definitions of a ''small entity'' under the RFA for investment companies and investment advisers by raising the asset thresholds for both definitions. The proposal would:

- Amend rule 0–10 to: (i) increase the net asset threshold for investment companies from $50 million to $10 billion; and (ii) refer, for purposes of aggregating the net assets of related funds, to a ''family of investment companies'' as that term is used in Item B.5 of Form N–CEN rather than to a ''group of related investment companies'' as used in the current rule; [48]
- Amend rule 0–7 to increase the RAUM Threshold below which an investment adviser is considered to be a ''small entity'' from $25 million to $1 billion and to conform the assets under management threshold in the Control Relationship Threshold with the revisions made to the RAUM Threshold;
- Request comment on whether to amend the Total Assets Threshold, as well as the total assets threshold contained in the Control Relationship Threshold, in rule 0–7;
- Amend Form ADV to revise the instructions and Item 12 of Part 1A of Form ADV, including through making conforming changes; and
- Amend rule 0–10 and rule 0–7 to allow the Commission to make subsequent inflation adjustments to the asset thresholds by order every 10 years in accordance with the inflation adjustment mechanism set forth in section II.C below (the ''Inflation Adjustment Mechanism'').

The proposal is designed to help the Commission more appropriately promote the effectiveness and efficiency of its regulations, with the goal of minimizing the significant economic impact on small entities, consistent with the RFA. The proposal would help better tailor the Commission's analyses of the specific regulatory challenges faced by small entities by expanding the scope of the analyses that the Commission conducts under the RFA to include investment advisers and investment companies that should more appropriately be deemed small entities. These analyses would, in turn, better inform the Commission of the regulatory impacts faced by small entities so that it may consider adapting its rulemaking accordingly.

The Small Entity Rules currently define small entities by reference to assets under management and net assets for investment advisers and investment companies, respectively. There has been substantial growth in assets under management and net assets over the decades since these thresholds were set. To this end, and as discussed in more detail below, the proposal is designed to capture the types and numbers of investment advisers and investment companies that the Commission now considers to be ''small'' in light of this growth.[49] Amending the definitions would help ensure the Commission's regulatory flexibility analyses capture a more meaningful population of ''small entities'' given asset growth over the past decades and, in turn, provide a clearer opportunity for public comment on the Commission's regulatory analyses with respect to this population.

II. Discussion

A. Proposed Amendments to Rule 0–10 of the Investment Company Act

1. Raising the Net Asset Threshold

The proposal would amend paragraph (a) of rule 0–10 to increase the net asset threshold from $50 million to $10 billion and, as discussed in more detail in section II.C below, establish a mechanism to inflation-adjust this figure every ten years. The proposed increase accounts for the overall growth in the investment company industry since the $50 million threshold was originally set in 1982. In 1982, investment companies held $296.7 billion in net assets among 857 funds.[50] By the adoption of the 1998 amendments this had grown to $5.7 trillion among 7,829 funds,[51] with holdings of $41.6 trillion among 13,630 funds by 2024.[52] This growth in assets is attributable at least in part to overall economic growth leading to rising investment prices and the effects of inflation, as well as increased investor demand due to factors such as expansion of defined contribution retirement plans and easier access to investment services. One effect of this growth is that in 1982, 62.4% of investment companies were deemed ''small entities,'' [53] by 1998 that had dropped to 8.7%,[54] and by 2024, the share of investment companies deemed ''small entities'' had fallen to 0.6%.[55] Raising the net asset threshold in rule 0–10 to reflect growth in the investment company industry over the past decades would improve the utility of RFA analyses by more closely reflecting the population of funds that does not have the same competitive advantages as larger fund groups (for instance, due to economies of scale when these larger groups perform certain compliance and other operational functions in-house). It also would more closely reflect the population of funds that does not have the same negotiating power as larger fund groups when retaining service providers to perform compliance and operational functions.

As discussed above, the Commission established the existing $50 million threshold in 1982 based on an analysis of adjusted expense ratios for a random sample of 500 investment companies. The Commission's approach at the time reflected a belief that funds that bear a higher level of expenses as a proportion of their net assets would be less able to bear regulatory costs relative to their peers with lower expense ratios. Taking into account the substantial changes in the fund industry since that time—including a high degree of concentration of assets in the largest fund complexes,[56] a greater differentiation of fund strategies (with different expense ratios that may reflect factors other than the fund's size), and the trend toward decreasing expense ratios across open-end funds generally [57]—the approach

[48] Unless stated otherwise, the use of ''fund family'' or ''fund families'' in this release has the same meaning as ''family of investment companies.''

[49] *See infra* sections II.A and II.B (discussing the Commission's reasoning for increasing the asset-based thresholds for investment companies and investment advisers, respectively).

[50] Investment Company Institute, 2025 Investment Company Fact Book (2025), at Data Tables, *available at* https://www.icifactbook.org/25-fb-data-tables.html (sum of Tables 1, 9, 12). These figures do not include BDCs, as data regarding them is not readily available from this time.

[51] *Id.*

[52] The 2024 estimates are based on data reported in response to Items B.6, C.19, and F.11 on Form N–CEN as of Dec. 31, 2024.

[53] 1982 Adopting Release, *supra* footnote 8.

[54] Deregistration of Certain Registered Investment Companies, Investment Company Act Release No. 23588 (Dec. 4, 1998) [63 FR 69236 (Dec. 16, 1998)] (339 out of approximately 3,900 funds are ''small entities'').

[55] 85 small entities/13,630 total registered investment companies and BDCs = 0.6%. The number of small entities is based on Commission staff estimates of approximately 32 small open-end funds (including 4 exchange-traded funds), 38 small closed-end funds, 2 small UITs, and 13 small business development (together, 32 + 38 + 2 + 13 equals 85 small entities). This estimate is derived from an analysis of data obtained from Morningstar Direct and data reported to the Commission (*e.g.,* on Forms N–PORT, N–CSR, 10–Q, and 10–K) for the fourth quarter of 2024. *See also supra* footnote 52.

[56] In 1985 the top 10 fund complexes held 54% of total mutual fund and ETF assets, but by 2024 the top 10 complexes held 71% of these total assets. Investment Company Fact Book (2002), *available at https://www.ici.org/system/files/attachments/2002_factbook.pdf;* Investment Company Fact Book (2025), *available at https://www.ici.org/system/files/2025-05/2025-factbook.pdf.*

[57] The average expense ratio for U.S. open-end funds is less than half of what it was two decades ago due to a combination of inflows into low-cost

taken in 1982 may no longer be appropriate to set a small entity threshold.[58]

In determining how to calibrate the new proposed threshold, the Commission considered the distribution of assets across individual funds and fund families with the goal of ensuring that the proportion of funds that may face greater challenges in complying with Commission regulations due to their size be included in the small entity definition. Specifically, the Commission analyzed data reported on Form N–CEN to sort families of investment companies into percentiles according to their cumulative average total net assets. The Commission further analyzed this data to determine the percentage of individual funds and the percentage of average total net assets represented by each percentile. Table 1 below sets out the percentage of fund families, the percentage of individual funds, and the percentage of cumulative average total net assets that would be deemed small entities if the Commission were to set the threshold at the top end of each percentile.

TABLE 1—DISTRIBUTION OF ASSETS ACROSS FUNDS AND FUND FAMILIES[59]

Percentile of fund families[1] at or below threshold	Net asset threshold	% of individual funds[2] in fund families at or below threshold	% of fund assets[3] in fund families at or below threshold
10th	$23.7 million	0.87%	0.0016%
20th	$68.4 million	1.84	0.01
30th	$150.1 million	2.92	0.03
40th	$319.6 million	4.28	0.08
50th	$757.7 million	6.03	0.18
60th	$1.69 billion	9.16	0.43
70th	$3.54 billion	13.99	0.95
80th	$10.04 billion	22.91	2.13
90th	$43.47 billion	37.87	6.99
100th	$9,450.72 billion	100.00	100.00

Notes:
[1] For purposes of these data, a fund family includes each fund that indicated on Form N–CEN that it is part of a family of investment companies. For a fund that did not indicate on Form N–CEN that it was part of a family of investment companies, it is included in this column as a separate fund family consisting solely of that fund.
[2] ''Fund'' as used here refers to a registered investment company or business development company, including a separate series thereof.
[3] As this table is based on Form N–CEN data, it does not include asset data for entities that do not report on Form N–CEN. The table does not include the data of investment companies exempt from registration, such as employees' securities companies. It also does not include the assets of business development companies, which do not file Form N–CEN. Rule 0–10 applies to all investment companies; the vast majority of investment company assets are reflected in investment companies that report on Form N–CEN.

Taken as a whole, registered investment companies have a total of approximately $41.6 trillion in net assets as of December 2024. As evidenced by Table 1, the assets of the investment company industry are heavily concentrated at the largest fund families.[60] For example, the Commission estimates that, as of December 2024, fund families above the 80th percentile in terms of aggregate average total net assets accounted for 97.9% of total net assets held by funds (as fund families at or below the 80th percentile threshold accounted for only 2.13% of fund assets). Similarly, as of December 2024, fund families above the 80th percentile accounted for approximately 77% of individual funds (as the fund families at or below the 80th percentile threshold included 22.91% of individual funds). This reflects the fact that that the largest fund families not only manage the large majority of assets in the industry, but these large fund families also account for a majority of the individual funds.

While the Commission seeks to ensure that funds and fund groups that may face greater challenges with regulatory compliance due to their size be deemed small entities, we are also mindful that setting the threshold too high has the potential to be counterproductive and to undermine the purpose of the Commission's RFA analyses. A higher threshold would result in a larger pool of small entities and therefore would increase the number of small entities needed to be affected by a rule for the rule to ''have a significant economic impact on a substantial number of small entities,'' which could lead to fewer RFA analyses being performed.[61] Accordingly, the Commission's proposed threshold is meant to identify a level below which a meaningful proportion of funds would be deemed small entities, but above which the size of, and concentration of assets in, fund families increases to such an extent that treating individual funds within those families as small entities would be counterproductive.

Based on analysis of the distribution of data in Table 1, we are proposing a ''small entity'' definition that corresponds closely to the 80th percentile threshold of $10.04 billion, which we have rounded for

funds (with some index mutual funds and ETFs having fees that are close to zero), outflows from higher-cost funds, fee cuts, and relative underperformance by more-expensive funds. *See* Morningstar, ''Fund Fees Are Still Declining, But Not as Quickly as They Once Were,'' May 28, 2025, *available at https://www.morningstar.com/business/insights/blog/funds/us-fund-fee-study.*

[58] In light of these dynamics, that a fund's expense ratio is relatively high would not necessarily reflect that the fund is relatively small, but may be more attributable to the fund's strategy, perceived skill of the fund's investment adviser or management, or other factors unrelated to the fund's size.

[59] Based on data reported on Form N–CEN through Jan. 21, 2025.

[60] The SBA considers economic characteristics composing the structure of an industry such as degree of competition, average firm size, start-up costs and entry barriers, and distribution of firms by size in establishing size standards. *See* 13 CFR 121.102. We have focused our analysis on the distribution of firms by size as that is the metric for which we have the best available data.

[61] *See* 5 U.S.C. 605(b); *see also, e.g.,* 1982 Adopting Release, *supra* footnote 8, at n.41 and accompanying text (stating, in the context of the AUM threshold for investment advisers, ''the bigger the class, the greater the number of entities within it that must be adversely affected by a particular rulemaking before it can be said that the rulemaking affects a 'substantial' number of the class''). Setting the threshold too high might also inadvertently lead to the Commission overlooking issues that concern the smallest entities when the Commission attempts to tailor its rules, and instead focusing primarily on issues of more general concern to the industry. Such an outcome might have the potential to perpetuate larger funds' advantages in the market, to the detriment of the smaller funds that the RFA was designed to protect. *See also* discussion at *infra* footnote 87 and accompanying text.

convenience in the proposed rule. The proposed $10 billion threshold would capture approximately 80% of fund families resulting in approximately 22.9% of individual funds holding approximately 2.13% of aggregate average total net assets being deemed small entities. While the proposed threshold would deem some relatively large individual funds ''small'' for purposes of the RFA, such an outcome is consistent with the economies of scale rationale for aggregating funds within a family. A single large fund with no other related investment companies would bear similar regulatory costs to several smaller, related funds that collectively represent a similar level of net assets.

We considered other approaches for defining investment companies that are small entities, including basing this definition on an entity's gross receipts.[62] The SBA Table of Size Standards lists ''Open End Investment Funds'' with a given size standard of $40 million in gross receipts.[63] For the Commission there is a better suited standard to identify a ''small entity'' for the investment company industry. This is primarily because the Commission does not have or collect data for gross receipts of registered investment companies. Additionally, as discussed above, funds primarily generate revenue through capital appreciation and other investment returns rather than receipts from the sale of goods or services. Moreover, a fund's investment returns may be attributable primarily to its particular investment strategy, meaning that two funds of identical size but pursuing different investment strategies may produce vastly different returns. Accordingly, we do not believe that the gross receipts standard provides an appropriate means for the Commission to identify small investment companies for purposes of the RFA.[64]

We request comment on all aspects of the proposed revisions to the net asset threshold, including the following items:

1. Is the proposed $10 billion threshold useful for identifying investment companies that are ''small entities''? Should the Commission adopt a higher or lower threshold? If so, why?

2. Are there alternative metrics other than net assets that would be effective to evaluate if an investment company is a ''small entity''? If so, what are they and why would they be more effective than net assets? Please clarify what data that are already reported to the Commission could be used in applying those metrics. If they do not involve data that currently are reported to the Commission, should the Commission require them to be reported, what would be the costs of such reporting, and how are such costs justified?

3. Should the Commission use the SBA's standard for Open-End Investment Funds, which uses a threshold of $40 million in gross receipts? Should the threshold be based on another measure of revenue? If so, how should the Commission measure ''gross receipts'' (or other revenue measure) of an investment company or a family of investment companies for purposes of the threshold?

4. Are there alternative ways that the net asset threshold should be derived than the distribution-based analysis discussed above? For example, is the Commission's expense ratio approach from 1982 a more appropriate way of setting the small entity threshold? If so, why?

5. Should the Commission consider a fund a ''small entity'' if its principal adviser is a ''small entity'' under rule 0–7? What about a sub-adviser that is a ''small entity''? If so, why?

6. Should the Commission adjust the existing net asset threshold for inflation rather than setting a new threshold based on an analysis of the distribution of funds and fund assets since the threshold was set in 1982, as discussed above? If so, should the Commission measure the inflation adjustment from the time of the threshold's original adoption in 1982 or from the most recent amendments to the rule in 1998? If the Commission adjusted the existing threshold for inflation, is there a price index, such as the Personal Consumption Expenditures Chain-Type Price Index, the Consumer Price Index for All Urban Consumers, the Producer Price Index, or the GDP Price Deflator, that would be best suited for this adjustment?[65] Would using a securities market index such as the S&P 500 or the NYSE Composite Index, which is not based on inflation, be a better way to adjust the threshold that was set in 1982? Please supply explanations and reasoning.

2. Group Definition Amendments

We are proposing amendments to rule 0–10 to replace the term ''group of related investment companies'' with ''family of investment companies,'' as that term is used in Item B.5 of Form N–CEN. This change would enable the Commission to rely on information that is already reported on Form N–CEN to identify small entities for purposes of RFA analyses and to more efficiently consider whether future adjustments to the net asset threshold are warranted.

When the Commission amended rule 0–10 to aggregate net assets across groups of related investment companies, it defined the concept of a ''group of related investment companies'' in rule 0–10.[66] The Commission did not at that time adopt any corresponding disclosure requirements for a fund to specify whether it was part of a group of related investment companies. To date, the Commission still does not collect data that specifically identifies groups of related investment companies and their constituent funds. Instead, identifying groups of related investment companies requires a manual process (for example, assessing whether funds hold themselves out as related companies) to determine the number of small entities for purposes of conducting RFA analyses.[67]

We propose to replace the term ''group of related investment companies'' in rule 0–10 with ''family of investment companies'' as that term is used in Item B.5 of Form N–CEN.[68] That item requires investment companies to report whether they are part of a ''family of investment companies'' and, if so, to disclose the full name of the family of investment companies. The Commission has collected this information from funds since 1985 and is experienced with analyzing this and other data collected on Form N–CEN.[69]

[62] One petitioner suggested that the Commission define ''small entity'' for funds to capture any fund with a principal adviser to the fund that has fewer than 50 employees or annual revenue less than $25 million. *See* AMAC Report, *supra* footnote 10; *see also infra* footnote 89. As discussed below, we are not proposing an employee-based size standard for investment advisers, and the Commission does not collect revenue data from investment advisers. We are therefore not proposing to define small investment advisers according to these metrics. *See infra* section II.B.1. As we are not proposing this standard to define investment advisers that are small entities, it would not be appropriate to define funds that are small entities according to the size of their adviser under this standard.

[63] 13 CFR 121.201, at subsector 525.

[64] *See supra* section I.A.2.a.

[65] *See infra* footnote 126.

[66] *See supra* footnotes 30–32 and accompanying text; *see also* 1998 Adopting Release, *supra* footnote 9.

[67] The absence of specific data tailored to this purpose would also complicate setting a new net asset threshold based on the existing ''group'' definition. Using the ''family of investment companies'' definition from Form N–CEN has facilitated the approach to considering the new threshold for rule 0–10 in this proposal by incorporating data that funds report themselves.

[68] Proposed rule 0–10(a)–(b).

[69] *See* Semi-Annual Report Form for Registered Investment Companies; Temporary Suspension of Quarterly Reporting Obligations of Certain Registered Investment Companies Pending Receipt of Comments on Proposed Final Action, Investment Company Act Release No. 14299 (Jan. 4, 1985) [50 FR 1442 (Jan. 11, 1985)] (''N–SAR Release'') (this disclosure was originally part of Form N–SAR before that form was replaced by Form N–CEN).

The definition of ''family of investment companies'' serves a substantially similar purpose to the definition of ''group of related investment companies'' in seeking to group together funds that hold themselves out to investors as related (the ''holding out prong'') and that share an investment adviser or key service provider (an administrator for a ''group of related investment companies'' or underwriter for a ''family of investment companies''). For comparison, the table below provides the existing definition of ''group of related investment companies'' from rule 0–10 alongside the existing definition of ''family of investment companies'' from Form N–CEN:

TABLE 2

''Group of related investment companies''	''Family of investment companies''
(a) . . . (1) In the case of a management company, *group of related investment companies* means two or more management companies (including series thereof) that: (i) Hold themselves out to investors as related companies for purposes of investment and investor services; and (ii) Either: (A) Have a common investment adviser or have investment advisers that are affiliated persons of each other; or (B) Have a common administrator (2) In the case of a unit investment trust, the term *group of related investment companies* shall mean two or more unit investment trusts (including series thereof) that have a common sponsor. (b) *Special rule for insurance company separate accounts.* In determining whether an insurance company separate account is a *small business* or *small entity* pursuant to paragraph (a) of this section, the assets of the separate account shall be cumulated with the assets of the general account and all other separate accounts of the insurance company.	''Family of investment companies'' means, except for insurance company separate accounts, any two or more registered investment companies that: (i) share the same investment adviser or principal underwriter; and (ii) hold themselves out to investors as related companies for purposes of investment and investor services. Insurance company separate accounts that may not hold themselves out to investors as related companies (products) for purposes of investment and investor services should consider themselves part of the same family if the operational or accounting or control systems under which these entities function are substantially similar.

For management companies, both definitions require as one element that the investment companies hold themselves out to investors as related to one another for purposes of investment and/or investor services. Both definitions also focus on a shared investment adviser or other key service provider. While the specific differences between the two definitions are likely to result in somewhat different outcomes in terms of which funds are or are not ''small entities,'' [70] the Commission nevertheless believes that the ''family of investment companies'' definition from Form N–CEN is an appropriate means of aggregating related funds for purposes of the small entity threshold. Indeed, the Commission has used the ''family of investment companies'' concept to group related funds in Form N–CEN (or a predecessor form) since 1985.[71] Moreover, utilizing the ''family of investment companies'' concept in the small entities context promotes consistency in our rules and avoids the need for the Commission to require new reporting from investment companies for the sole purpose of adjusting the small entity threshold and performing RFA analyses.

While we believe that the existing ''family of investment companies'' concept is sufficient and appropriate for this use, there are specific differences from the ''group of related investment companies'' concept that may produce different outcomes at the margins. For example, the ''family of investment companies'' definition groups funds that have a common principal underwriter, whereas the ''group of related investment companies'' definition groups funds that have a common administrator. The ''family of investment companies'' definition groups funds that have a common investment adviser, whereas the ''group of related investment companies'' definition groups funds that have *either* a common investment adviser or investment advisers that are affiliated persons of each other. These differences might lead to certain funds that are currently considered part of the same ''group'' not being part of the same ''family'' and vice versa, meaning that such funds would no longer be aggregated for purposes of the small entity threshold or would be newly aggregated for purposes of the small entity threshold, respectively. Any such differences, however, may be mitigated by other elements of the definition. For example, two funds whose advisers are merely affiliates of one another—and therefore do not meet the common adviser prong under the ''family'' definition—might share the same principal underwriter and would therefore continue to be aggregated for purposes of the small entity threshold, provided they also meet the holding out prong of the definition.

Moreover, notwithstanding the differences between the two terms, funds that are part of the same ''family of investment companies'' are likely to experience similar economies of scale as those funds that are part of the same ''group of related investment companies.'' Examples of potential cost savings due to economies of scale might include complex-wide policies and procedures and recordkeeping systems, a shared chief compliance officer or board members, and one legal and compliance function that services the whole complex.

We recognize the proposed changes to the definition would alter the treatment of UITs (including insurance company separate accounts). In current rule 0–10, UITs receive differential treatment from management investment companies. They are not subject to the holding out prong and are considered part of a group of related investment companies only if they share a common sponsor.[72] Under the proposed changes, UITs would

[70] Due to the absence of a reporting requirement relating to a fund's ''group of related investment companies,'' as discussed *supra* at footnote 67 and accompanying text, performing a direct comparison of which funds would be small entities under a $10 billion threshold using the ''group of related investment companies'' definition versus which funds would be small entities using the ''family of investment companies'' definition, would require a significant amount of manual analysis. While the Commission has conducted this analysis in the past to calculate the number of small entities at the $50 million threshold, at the proposed $10 billion threshold the number of funds to manually analyze increases from a few hundred to several thousand, making performing the analysis impractical.

[71] N–SAR Release, *supra* footnote 69 (adopting Form N–SAR).

[72] Rule 0–10(a)(2).

become subject to the holding out prong because all investment companies generally follow the same test under the definition of ''family of investment companies'' in Form N–CEN.[73] Such a change is not expected to have a substantial effect on whether UITs are considered small entities because, based on staff experience, we understand that most UITs that have the same sponsor also have the same principal underwriter and hold themselves out as related.

There are particular considerations for insurance company separate accounts that are registered as UITs. In current rule 0–10, an insurance company's separate account is aggregated with the general account and all other separate accounts to determine whether the individual separate account is a small entity.[74] Under the proposed changes, however, the general account would no longer be considered in determining whether the family of investment companies is above or below the threshold. This approach is consistent with how the threshold applies to other types of investment companies because non-investment companies are generally excluded when assessing whether a family is above or below the threshold. For example, under both current rule 0–10 and under the proposed changes, a group of related investment companies or a family of investment companies, respectively, would not include any private funds (which are excluded from the Investment Company Act's definition of ''investment company'').

In addition to differences in approach involving aggregation among the general account and separate accounts, the proposed approach may affect the extent to which separate accounts are aggregated to determine whether individual separate accounts are small entities. Under the current approach, the assets of the separate account are cumulated with the assets of all other separate accounts of the insurance company. As discussed when the family of investment companies definition was adopted (and as would be the case if we were to adopt the proposed family of investment companies approach in the investment company small entity definition), insurance company separate accounts that may not hold themselves out to investors as related companies would have their assets aggregated with each other only if the operational or accounting or control systems under which those entities function are substantially similar.[75] We do not expect this change would result in significant differences in the extent to which insurance company separate account assets are aggregated because, in the staff's experience, insurance company separate accounts tend to function under substantially similar operational or accounting or control systems.

The Commission has previously used the data reported in response to Item B.5 of Form N–CEN, together with other data reported on Form N–CEN, to estimate the number of ''groups of related investment companies'' that would or would not exceed a particular threshold, such as in the case of staggered compliance dates.[76] By amending rule 0–10 to refer to the term already used in Form N–CEN, the Commission could leverage existing data in this and future rulemakings and avoid any added burden of requiring new or different reporting from investment companies solely for purposes of assessing and setting a new small entity threshold.[77]

We request comment on all aspects of the change to how the Commission proposes to aggregate funds under rule 0–10, including the following items:

7. Would the ''family of investment companies'' definition in Form N–CEN be an appropriate way of grouping investment companies for purposes of the small entity threshold? If not, why not?

8. Should the Commission make any changes to the definition of ''family of investment companies'' in Form N–CEN itself? For example, should that definition group together funds that meet the holding out prong of the definition but whose advisers are only affiliates of one another, as is currently the case under the ''group of related investment companies'' definition? Should the definition continue to require that funds hold themselves out *and* share a service provider or would the definition be more appropriate for identifying small entities without this holding out prong or if it required funds to hold themselves out *or* share a service provider? Please supply explanations and reasoning.

9. Should the Commission aggregate funds into groups or families in another manner? If so, how? Should the Commission instead eliminate the concept of ''groups'' or ''families'' altogether and look only to individual funds for purposes of assessing whether the fund is a small entity? If so, why?

10. Would the proposed changes to the treatment of UITs be appropriate for the small entity definition and if not, why not? How common is it for UITs that have the same sponsor to also have the same principal underwriter and hold themselves out as related?

11. Would the proposed changes to the treatment of insurance company separate accounts be appropriate for the small entity definition and if not, why not? For example, should the Commission's small entity assessment omit consideration of an insurance company's general account, as would be the case under the proposed changes? Is the instruction relating to separate accounts in Form N–CEN sufficiently clear? Is it correct that insurance company separate accounts generally tend to function under substantially similar operational or accounting or control systems?

12. Should we maintain the current definition of a group of related investment companies and create a new disclosure requirement for this item (for instance, in Form N–CEN)? What would the advantages of such a disclosure be, as compared to using the data already available from Form N–CEN? Or should we maintain the definition of a group of related investment companies and use it in place of ''family of investment companies'' in Form N–CEN?

B. Proposed Amendments to Rule 0–7 of the Advisers Act

1. The RAUM Threshold

The proposal would amend paragraph (a)(1) of rule 0–7 under the Advisers Act to raise the RAUM Threshold to $1 billion from $25 million and, as discussed in more detail in section II.C below, establish a mechanism to inflation-adjust this figure every ten years.[78] As discussed above, the current RAUM Threshold was adopted in the 1998 amendments to align the ''small entity'' definition applicable to advisers for RFA purposes with the $25 million AUM minimum threshold for adviser registration that had been enacted under NSMIA in 1996.[79] As a result, nearly all

[73] *See* Instruction to Item B.5 of Form N–CEN.

[74] Rule 0–10(b).

[75] *See* N–SAR Release, *supra* footnote 69.

[76] Regulation S–P: Privacy of Consumer Financial Information and Safeguarding Customer Information, Investment Company Act Release No. 35193 (May 16, 2024) [89 FR 47688 (June 3, 2024)], at Table 3; *see also* Investment Company Names, Investment Company Act Release No. 35000 (Sept. 20, 2023) [88 FR 70436 (Oct. 11, 2023)].

[77] We also considered amending Form N–CEN to require investment companies to report whether they are part of a group of related investment companies as that term is currently defined in rule 0–10. We determined that such a change would not be justified by the added burden of: (1) increased reporting obligations on Form N–CEN; and (2) requiring funds to assess and report their affiliations using two distinct definitions within the same form.

[78] Proposed rule 0–7(a)(1) under the Advisers Act.

[79] Consistent with this alignment, current paragraph (a)(1) also provides that the RAUM Threshold will increase in tandem with any

SEC-registered investment advisers have been excluded from treatment as a ''small entity'' in the Commission's RFA analyses. Because the current RAUM Threshold was aligned with the minimum threshold for adviser registration, RFA analyses in our rulemakings have not considered the substantial majority of advisers that are subject to registration under the Advisers Act and the full application of the Commission's rules thereunder.

The growth of the investment management industry in assets under management has over time also reduced the number of advisers that are deemed to be ''small entities.'' According to Form ADV reporting, by 2025, only 451 of the total 15,909 SEC-registered investment advisers (approximately 3% of registered investment advisers) were considered to be ''small entities'' for purposes of the RFA,[80] down from approximately 75% immediately before and 20% immediately after the 1998 amendments.[81]

The proposed amendments would increase the total number of investment advisers deemed to be ''small entities.'' The Commission estimates that approximately 15,850 of the total 21,650 investment advisers, or approximately 75% of advisers,[82] have RAUM below the proposed RAUM Threshold. Taken as a whole, advisers manage a total of about $152.9 trillion in RAUM, with a mean of approximately $7 billion of RAUM per adviser. However, the distribution of RAUM across all advisers is highly uneven, in part due to some advisers that report having zero or virtually zero RAUM, and more significantly because of the concentration of RAUM with the very largest advisers in the industry, as illustrated in Table 3 below. The Commission estimates that over 85% of total RAUM is managed by the largest advisers in the top 95th to 100th size percentile (*i.e.,* by the top 5% of advisers in size). In light of this concentration, using the proposed $1 billion RAUM Threshold would still represent under 3% of total RAUM in the industry. In proposing the $1 billion RAUM Threshold, we considered the following distribution information on investment advisers, including RAUM values:

TABLE 3—DISTRIBUTION OF INVESTMENT ADVISERS AND RAUM[83]

Percentile of advisers	Individual RAUM of adviser at percentile[84] (millions)	Total number of all advisers at or below percentile	Total RAUM of all advisers at or below percentile	
			(millions)	(percent)
10th	$33	2,172	$21,482	0.0
20th	96	4,331	151,003	0.1
25th	125	5,414	271,591	0.2
50th	324	10,827	1,399,259	0.9
55th	399	11,910	1,788,139	1.2
60th	500	12,993	2,271,386	1.5
65th	632	14,075	2,879,161	1.9
70th	834	15,158	3,665,541	2.4
75th	1,130	16,240	4,711,141	3.1
80th	1,654	17,323	6,182,565	4.0
85th	2,612	18,406	8,342,641	5.5
90th	4,944	19,488	12,370,725	8.1
95th	14,040	20,571	21,290,612	13.9
100th	10,246,596	21,654	152,878,412	100.0

increase to the minimum threshold for adviser registration that the Commission makes by rule. *See* 1998 Adopting Release, *supra* footnote 9, at n.48 (explaining the addition of ''or such higher amount as the Commission may by rule deem appropriate under Section 203A(a)(1)(A) of the Act'' to rule 0–7(a)(1)). Although the Dodd-Frank Act in 2010 effectively raised the minimum registration threshold for advisers from NSMIA's $25 million to $100 million, the RAUM Threshold was not increased. The proposal would revise paragraph (a)(1) to remove ''or such higher amount as the Commission may by rule deem appropriate under Section 203A(a)(1)(A) of the Act (15 U.S.C. 80b–3a(a)(1)(A)'' because the RAUM Threshold, as proposed, would exceed and thus not align with the minimum threshold for adviser registration.

[80] Because exempt reporting advisers are not required to report on Form ADV whether they qualify as ''small entities,'' the provided figures in this sentence are limited to registered investment advisers.

[81] *See* 1997 Proposing Release, *supra* footnote 33, at n.59 and accompanying text (noting that up to 17,000 of approximately 22,500 total registered investment advisers met the then-rule's definition of ''small entity'' and that the Commission would lose regulatory responsibility for an estimated 16,000 of these ''small'' advisers as a result of NSMIA). Following the deregistration of advisers no longer eligible to register as a result of NSMIA, the Commission estimated that approximately 1,500 of 7,600 registered investment advisers (approximately 20%) would be treated as small entities. *See* 1998 Adopting Release, *supra* footnote 9, at n.52 and accompanying text.

[82] These estimates from Form ADV reporting data include only SEC-registered investment advisers and exempt reporting advisers. All of the Commission's rules under the Advisers Act may be applicable to investment advisers that are registered (or required to be registered), and some of its rules may also apply to exempt reporting advisers (*e.g.,* with respect to certain recordkeeping and reporting obligations, as well as insider trading and pay-to-play protections). Post-NSMIA, the Commission has generally not subjected state-registered advisers to its rules under the Advisers Act. *See* Rules Implementing Amendments to the Investment Advisers Act of 1940, Investment Advisers Act Release No. 1633 (May 15, 1997) [62 FR 28112 (May 22, 1997)], at nn.153–156 and accompanying text; *see also* Prohibition of Fraud by Advisers to Certain Pooled Investment Vehicles; Accredited Investors in Certain Private Investment Vehicles, Investment Advisers Act Release No. 2576 (Dec. 27, 2006) [72 FR 400 (Jan. 4, 2007)], at nn.14–19 and accompanying text. Additionally, because exempt reporting advisers are not required to provide RAUM information in Item 5 of Form ADV Part 1A, the data used for exempt reporting advisers reflects reported private fund gross asset values provided in Section 7.B. of Schedule D of Form ADV Part 1A. Private fund gross asset values are calculated in the same manner as RAUM in Item 5 in accordance with Form ADV instructions. *See* Instruction 6.e.(3) of Form ADV Part 1A (instructing filers to report as gross assets the assets of private funds that would be included in calculating RAUM under Item 5.F.).

[83] This table shows percentiles for the distribution of investment advisers (including only registered investment advisers and exempt reporting advisers) by size based on their RAUM and the share of total RAUM managed by all advisers at or below the included distribution percentiles. This data reflects Form ADV reporting as of Dec. 31, 2024, and does not reflect the impact of either the total asset or control relationship prongs in the ''small entity'' definition. It does not include advisers (other than exempt reporting advisers) that are not registered or required to be registered with the Commission.

[84] This refers to the RAUM of the investment adviser at the distribution percentile cutoff.

In light of this significant concentration of RAUM with the very largest advisers, and although it would not result in the same proportion of advisers that were ''small entities'' as a result of the 1998 amendments, a $1 billion RAUM Threshold would strike an appropriate balance between the level of RAUM per ''small'' adviser and the proportion of total RAUM in the industry that would be captured by the new threshold. In addition, this proposed revision would capture many advisers that are ''not dominant in'' their field, which is an element of the statutory definitions of small business and small organization in the RFA, due to the fact that such advisers individually manage much less RAUM relative to the largest advisers.[85] Although using $1 billion as the RAUM Threshold would classify as small a large proportion of investment advisers, this is a reasonable and appropriate result for purposes of our analyses under the RFA, in part due to the relative amount of assets managed by these advisers compared to the largest advisers, *i.e.,* those dominant in their field.[86]

We considered that the significant concentration of RAUM with the very largest advisers could suggest that an even higher RAUM Threshold than $1 billion should be used. However, a size standard threshold that is set too high could inadvertently cause the Commission's attempts to tailor its rules for small entities to focus on issues of more general concern to the industry, instead of on issues that particularly impact smaller entities, which the RFA was designed to protect.[87]

The Commission has received feedback suggesting alternatives to an asset-based approach to identifying small advisers. For example, the Commission received a petition to initiate rulemaking that recommends the ''small entity'' definition be amended to depend on whether an investment adviser has no more than a certain number of employees.[88] Additionally, the SEC Asset Management Advisory Committee (the ''AMAC'') recommended that the ''small entity'' definition be amended to include advisers with fewer than a certain number of employees or with less than a certain amount of ''annual revenue.'' [89] The parties making these suggestions state that their alternatives better reflect the restricted resources and other constraints faced by small advisers and, in the case of employee-based standards, are reported on Form ADV and not affected by inflation and other fluctuations.

Although we considered these suggestions, we are proposing to maintain a RAUM-based size standard. In developing size standards, the Commission has evaluated potential criteria both for their ''capacity to differentiate small members of an industry from other members and [their ability to make] use of readily available information to derive [the] standards.'' [90] The Commission has been able to utilize RAUM to appropriately differentiate between small and other advisers to identify a universe of entities that are not dominant in the field, a principal element of small entity status under the RFA. Further, the Commission has ready access to RAUM data for the types of advisers that are generally subject to our rules, not just those registered with us.[91] Also, using RAUM to distinguish between advisers is an approach that is broadly consistent with size standards generally under the Advisers Act and the rules thereunder, as well as advisers' existing reporting and compliance obligations.[92] Investment advisers also typically charge their clients fees as a percentage of their assets under management, such that their business as a practical matter generally scales with their assets under management. Furthermore, an increased RAUM-based size standard is an appropriate metric to reflect the growth of the size of the asset management industry, which the proposal is partly designed to address, because as the industry grows it would report more assets under management.[93]

Accordingly, we are not proposing an employee-based or revenue-based size standard, but we request comment on employee-based, revenue-based, and other alternative size standards below (including whether the Commission should continue to use its own size standards for investment advisers rather than use the default size standards provided by the SBA).[94] The Commission has previously stated that an employee-based size standard was inappropriate for investment advisers because the then-recommended standard could have captured virtually all advisers and because the Commission did not at the time receive information regarding employees from advisers.[95] Although the Commission now receives employee information from registered investment advisers on Form ADV, the Commission does not receive this information from exempt reporting advisers. In addition, an employee-based standard raises implementation challenges in appropriately addressing the use of service providers and outsourcing by investment advisers, which could distort the extent to which the number of an adviser's own employees reflects its actual resources and size.[96] With

[85] 5 U.S.C. 601(3), 601(4), and 15 U.S.C. 632(a). The Control Relationship Threshold addresses the other element of these definitions; namely, that the entity ''is independently owned and operated.'' *See id.; see also infra* section II.B.3.

[86] *See also* 1981 Proposing Release, *supra* footnote 23 (stating that an earlier small adviser standard that likewise encompassed a large proportion of investment advisers was reasonable and appropriate).

[87] *See supra* footnote 61.

[88] IAA Petition, *supra* footnote 10 (suggesting that the Commission adopt a size standard of 100 employees or fewer). The Commission received comments in support of the IAA Petition's attempt to assess the economic impact of regulations on small advisers more realistically and consider less onerous alternatives. These comments are available at *https://www.sec.gov/comments/4-811/4-811.htm*.

[89] AMAC Report, *supra* footnote 10 (suggesting that the Commission adopt a size standard of fewer than 50 employees *or* annual revenue of less than $25 million).

[90] 1998 Adopting Release, *supra* footnote 9, at n.50; 1997 Proposing Release, *supra* footnote 33, at n.58; 1981 Proposing Release, *supra* footnote 23.

[91] *See supra* footnote 82.

[92] Congress has repeatedly differentiated the regulations to which an adviser is subject using assets under management thresholds as size standards under the Advisers Act. *See, e.g.,* section 203(m) (setting forth an assets under management threshold for the private fund adviser exemption from registration) and section 203A(a)(2) (setting forth an assets under management threshold for mid-sized advisers) of the Advisers Act.

[93] *See supra* footnotes 79–81 and accompanying text. Appropriately increasing the RAUM-based size standard will also cause fewer ''advisers that may manage higher AUM but still face similar resource constraints and other challenges that are characteristic of a small business'' to be excluded from treatment as a small entity. IAA Petition, *supra* footnote 10.

[94] *See supra* section I.A.3.a. (discussing SBA size standards for investment advisers). The category of industry in the SBA's size standards under which an investment adviser would generally come appears to be ''Finance and Insurance—Portfolio Management and Investment Advice,'' where the existing SBA size standard is $47 million in ''annual receipts'' (which generally appears to be a measure of gross revenue or income). Notably, although the SBA uses an employee-based size standard for certain categories of industry, it does not do so with respect to this category. *See* 13 CFR 121.104, 121.201; *see also* Comment Letter from the SBA Office of Advocacy to FinCEN (May 15, 2024) (stating that FinCEN should use the SBA's default size standards for investment advisers rather than the Commission's size standards), *available at* https://advocacy.sba.gov/wp-content/uploads/2024/05/Comment-Letter-FInCEN-Investment-Advisors.pdf.

[95] *See* 1982 Adopting Release, *supra* footnote 89; 1981 Proposing Release, *supra* footnote 23.

[96] As the market for advisory services has become more specialized, competitive and technology-intensive over time, investment advisers have increasingly engaged service providers and used outsourcing (including, *e.g.,* using independent contractors that may perform advisory functions on the adviser's behalf) to meet evolving market complexity and client demands in a cost-effective manner. *See, e.g., The Race to Scalability 2020: Current Insights from a Decade of Advisor Research*

regard to concerns raised in the IAA Petition about asset-based tests' ability to respond to inflation, as discussed in more detail below, we agree that inflation can be among the factors that impact the adequacy of dollar-based size standards over time and are proposing to include a mechanism to regularly adjust the RAUM Threshold for inflation.[97]

With respect to a revenue-based size standard, as was recommended by AMAC and as reflected in the SBA's default size standards, the Commission does not collect information regarding advisers' revenues and, because the fees and thus revenues of an adviser generally scale directly with its assets under management, the proposal is generally consistent with the approach of the SBA size standards to measure the amount of business carried out by an entity.[98]

We request comment on all aspects of the proposed amendments to the RAUM Threshold, including the following items:

13. If we maintain a RAUM-based size standard, should we use a threshold amount other than the proposed amount of $1 billion? Would a lesser or greater amount be more appropriate? For example, based on Form ADV reporting data (as shown in Table 3 above), using a $100 million threshold would cover approximately 20% of advisers, a $200 million threshold would cover approximately 35% of advisers, a $300 million threshold would cover approximately 50% of advisers, a $1.5 billion threshold would cover approximately 80% of advisers, a $2.5 billion threshold would cover approximately 85% of advisers, and a $5 billion threshold would cover approximately 90% of advisers. Alternatively, should the RAUM Threshold not be amended?

14. Should we use criteria instead of RAUM for our adviser size standards? For example, are there qualitative criteria that should be used (*e.g.,* types of clients)? Would any recommended alternative criterion enable the Commission to meaningfully differentiate small advisers from non-small advisers, and could it be used in size standards derived from information that is readily available to the Commission with respect to all advisers (*i.e.,* both registered investment advisers and exempt reporting advisers)? To the extent that necessary information related to the recommended criterion is not readily available to the Commission, please address whether the costs to advisers in reporting such information would be appropriate to enable the use of a small entity size standard based on that information.

15. Consistent with the IAA Petition and AMAC Report's recommendation, should the Commission develop a form of employee-based size standard and, if so, how many employees should establish its threshold? [99] Should we, as suggested in the IAA Petition, use a standard of 100 or fewer employees or, as recommended in the AMAC Report, use a standard of fewer than 50 employees—or should we use another higher or lower number of employees? If the Commission were to determine its own numerical threshold for an employee-based size standard, what factors should it consider when determining that number? Would an employee-based size standard enable the Commission to more meaningfully differentiate small advisers from non-small advisers for purposes of the RFA? In order to enable any employee-based size standard for all advisers, should exempt reporting advisers also be required to provide employee information on Form ADV? Who should qualify as an employee for this purpose? For example, if a person were an employee of an affiliate, but worked for the adviser full or part-time and was paid by the affiliate, should that person be considered an employee of the adviser? Additionally, how should the use of service providers and outsourcing by advisers impact a potential employee-based size standard (and any related reporting)? To the extent that an employee-based size standard would be relevant in combination with a RAUM-based standard (or a revenue-based or other alternative size standard), how should it be meaningfully combined (*e.g.,* as an additional standard or as a standard in the alternative)?

16. Do commenters agree that the Commission should continue to have its own size standards for investment advisers rather than use the default size standards provided by the SBA? Would using a $47 million ''annual receipts'' size standard enable the Commission to meaningfully differentiate small advisers from non-small advisers for RFA purposes, and would advisers be capable of reporting this information to the Commission pursuant to potential amendments to Form ADV? Alternatively, should the Commission consider another form of a revenue-based size standard (or another amount)? For example, should the Commission utilize the AMAC's recommendation of annual revenue of less than $25 million? To the extent that a revenue-based size standard would be relevant in combination with another size standard, what is that size standard and how would it be meaningfully combined?

17. Should the RAUM Threshold be tied to adviser registration thresholds, as discussed above? For instance, should the RAUM Threshold be tied to the $100 million registration threshold for mid-sized advisers introduced by the Dodd-Frank Act in 2010, and if so, should the RAUM Threshold be further adjusted since 2010? [100] If the $100 million RAUM registration threshold from the Dodd-Frank Act were used and adjusted for inflation since its enactment in 2010, it would result in a RAUM Threshold of approximately $150 million and approximately 30% of advisers falling within the threshold.

18. Alternatively, should the RAUM Threshold (or other aspects of the small entity definition for investment advisers) be tied to the particular registration status of an investment adviser, such that, for instance, rulemakings that create distinct obligations between registered investment advisers, exempt reporting advisers and/or unregistered advisers would use distinct criteria to identify advisers that are small entities within the distinct classes of registration status?

19. Should the Commission consider using the same figure for investment advisers' RAUM Threshold as for investment companies' net asset threshold (or vice versa) as was the case when initially adopted in 1982? [101] Why or why not?

2. The Total Assets Threshold

We are requesting comment on whether to amend the Total Assets Threshold. Currently this threshold excludes from the definition of small

on Investment Management Trends, Flexshares (2020); Christopher Newman, *Asset Managers Continue to Outsource Middle Office Functions,* EisnerAmper (Oct. 21, 2020); *Smart Outsourcing Can Be a Game-Changer for RIAs,* ThinkAdvisor (Mar. 18, 2021). Additionally, consolidations in the advisory industry may have increased the likelihood that advisers that are part of a larger asset management group could use personnel who formally are employees of affiliates but who may not be taken into account by a purely employee-based size standard. *See infra* footnote 112 and accompanying text (discussing the types of benefits that derive from control relationship affiliations between an adviser and a larger firm and acknowledging that the RFA was not designed to confer benefits on entities with significant resources from their large business affiliates).

[97] *See also infra* section II.C.

[98] *See supra* footnote 28 and section I.A.3.a.

[99] For discussion related to employee-based size standards, see *supra* footnotes 88–96 and accompanying text.

[100] *See supra* footnote 79.

[101] *See supra* section II.A.1.

entity any adviser that has total assets of $5 million or more on the last day of its most recent fiscal year.[102] The Commission set this $5 million asset threshold in 1998 to in part to align with the $5 million total assets test used in the ''small entity'' definition in 17 CFR 240.0–10 (''Exchange Act rule 0–10'').[103] The Commission aligned the values in these ''small entity'' definitions under the Advisers Act and Exchange Act in view of financial industry affiliations between advisers and other large financial services firms to which the Exchange Act definition would apply.[104]

The Total Assets Threshold enables the Commission to differentiate more meaningfully between small advisers and non-small advisers that may not have significant RAUM but do have significant assets related to a non-advisory line or component of their business.[105] The Total Assets Threshold also works in concert with the Control Relationship Threshold in capturing common types of advisory industry affiliations. The Commission, however, receives limited information regarding advisers' total assets that would allow it to analyze with specificity the impact of potential changes to the Total Assets Threshold over the distribution of investment advisers. The Commission only receives information in Item 1.O. of Part 1A of Form ADV regarding investment advisers with $1 billion or more in total assets[106] as well as information in Item 12 from registered investment advisers with less than $25 million in RAUM regarding whether they have less than $5 million in total assets.[107] Accordingly, we are not proposing to modify the Total Assets Threshold at this time, but are requesting comment on possible changes to the threshold.

Although we are broadly seeking comment on whether and, if so, how to update the Total Assets Threshold, we are proposing to include an Inflation Adjustment Mechanism to inflation-adjust the Total Assets Threshold every ten years, rounded to the nearest multiple of $500,000, or 10% of the current Total Assets Threshold. We expect that in any final rule this mechanism would be calculated against and scale with the Total Assets Threshold ultimately used by the Commission. If an updated Total Assets Threshold were ultimately adopted, we would adjust the dollar amount to be rounded to the nearest multiple of 10% of such updated Total Assets Threshold (*e.g.,* if the final Total Assets Threshold is updated to $10 million, then future inflation adjustments would be rounded to the nearest multiple of $1 million).

We request comment on all aspects of the proposed Total Assets Threshold, including the following items:

20. Should the Total Assets Threshold remain $5 million? If the threshold should be increased, to what should it be increased, and why? If the threshold should be decreased, to what should it be decreased, and why? Should we look to a median or other value for investment advisers based on information provided to the Commission as a result of public comment?

21. Should the Total Assets Threshold continue to be aligned with the total asset threshold in Exchange Act rule 0–10(a)? If so, should we expressly tie the Total Assets Threshold to the total assets threshold in Exchange Act rule 0–10(a) by cross-referencing that rule in rule 0–7 under the Advisers Act? Are there other total asset thresholds under Commission regulations to which the Total Assets Threshold should be aligned? If so, what are they, and why?

22. Should the Total Assets Threshold be adjusted based on inflation or some other market growth metric? If so, which metric or index and from when should the threshold be adjusted, and why? For example, the Inflation Adjustment Mechanism as proposed to apply to the Total Assets Threshold utilizes the Personal Consumption Expenditures Chain-Type Price Index and compares it to 1998 prices. Applying that standard to the Total Assets Threshold itself would result in a new threshold value of approximately $10 million.

23. Should the Total Assets Threshold be adjusted to represent an increase proportionate to the proposed amendments to the RAUM Threshold by increasing the Total Assets Threshold by the same factor (x40, as proposed) that we are increasing the RAUM Threshold (*e.g.,* $200 million)? Why or why not?

24. Should the Total Assets Threshold be eliminated from rule 0–7? Given that there are some investment advisers that register with the Commission but report to have zero or virtually zero RAUM, as well as that there are large advisers that may have insignificant RAUM but have significant assets from a non-advisory component of their business, would removing the total assets test diminish the Commission's capacity to differentiate these types of advisers and small advisers for RFA purposes? If the total assets test were removed, what other size standards (*e.g.,* employee or client-based) could be used to differentiate these advisers, and why should they be used? What existing sources of data does the Commission have to support the use of such other standards? If the Commission does not have existing sources of data, should the Commission require the reporting of such data, what would be the costs to registrants of such reporting, and how are the costs of such reporting justified?

25. In what ways should the Inflation Adjustment Mechanism be adjusted should the Commission adopt a different Total Assets Threshold from the current one?

3. The Control Relationship Threshold

Currently, the Control Relationship Threshold uses an assets under management standard to establish the disqualifying size of affiliated advisers that is the same standard ($25 million) used in the RAUM Threshold. The

[102] Rule 0–7(a)(2) under the Advisers Act. ''Total assets'' is defined in rule 0–7(b)(2) to mean total assets as shown on the balance sheet of the investment adviser (or of a ''person'' in a control relationship with the adviser in accordance with paragraph (a)(3) of rule 0–7). It includes business assets, such as leases and equipment, as well as other types of assets, such as cash and accounts receivable. *See* 1998 Adopting Release, *supra* footnote 9, at n.42.

[103] Rule 0–10(a) under the Exchange Act; *see* 1998 Adopting Release, *supra* footnote 9, at n.51. Before the 1998 amendments, paragraph (a)(2) of rule 0–7 included a ''business assets'' test instead of a total assets test; and the threshold used for this test was approximately the median value for advisers' business assets at the time. *See* 1997 Proposing Release, *supra* footnote 33, at n.57 (''The Commission originally selected [the business asset threshold] because it was approximately the median value of advisers' business assets . . . . The median may have changed in recent years, but that figure remains significant inasmuch as more than half of all advisers apparently do not have assets exceeding it.''); 1982 Adopting Release, *supra* footnote 8.

[104] *See* 1998 Adopting Release, *supra* footnote 9, at n.51; *see also* 1997 Proposing Release, *supra* footnote 33 (''An adviser in a control relationship with a large broker-dealer or other large financial services firm typically benefits from the financial and technical resources of the large firm. The large firm may handle much of the administrative and compliance needs of its affiliated adviser using resources not reflected in the adviser's client assets or business assets.''). In addition, the 1998 amendments relatedly added paragraph (a)(3) to rule 0–7, which, as discussed below, applies the Total Assets Threshold in paragraph (a)(2) to any ''person'' in a control relationship with the investment adviser.

[105] The IAA Petition states that using an asset-based standard, including standards based on total firm balance sheet assets, does not accurately reflect regulatory burdens imposed on smaller advisers. *See* IAA Petition, *supra* footnote 10. As with the RAUM Threshold discussed above, asset-based metrics like the Total Assets Threshold are an effective and appropriate method to differentiate small members of the investment advisory industry from other members. *See supra* footnotes 90–93 and accompanying text.

[106] According to Form ADV data, about 680 investment advisers (over 3% of all advisers) report having $1 billion or more in total assets.

[107] *See infra* section II.B.4. As discussed below, we are proposing to amend Item 12 of Part 1A of Form ADV to conform to any amendments made to rule 0–7.

proposal would amend paragraph (a)(3) of rule 0–7 under the Advisers Act to increase this assets under management threshold from $25 million to $1 billion.[108] The proposal would also, as discussed in more detail in section II.C, include Inflation Adjustment Mechanisms for the assets under management and total assets aspects of the Control Relationship Threshold that are identical to those proposed for the RAUM and Total Assets Thresholds, respectively.[109]

The proposed amendments are designed to conform this threshold to the proposed revisions to the RAUM Threshold and the inclusion of an Inflation Adjustment Mechanism in the Total Assets Threshold.[110] The Commission previously stated that ''Congress did not intend to confer the benefit of any determination that an entity is small upon the affiliates of large businesses, because only those business and organizations that are 'independently owned' may qualify as small entities pursuant to the definitions contained in the RFA.'' [111] As such, the Commission noted its belief ''that it is appropriate . . . to preclude entities with significant economic or financial resources [from their large business affiliates] from obtaining potential regulatory benefits under the RFA.'' [112] The proposed amendments to the Control Relationship Threshold would align its assets under management threshold to the RAUM Threshold that, as discussed above, more appropriately captures advisers that should be deemed ''small entities'' for purposes of our analyses under the RFA.

Based on Form ADV reporting, the Commission estimates that updating the Control Relationship Threshold to reflect the increase of the RAUM Threshold from $25 million to $1 billion would result in approximately 1,225 investment advisers (or approximately 5.7% of all advisers) being excluded from treatment as a ''small entity.'' As such, the Commission estimates that, as a result of the proposed amendments to the assets under management thresholds in paragraphs (a)(1) and (a)(3), approximately 14,620 of the total 21,650 investment advisers, or approximately 70% of all advisers, would meet the revised RAUM and Control Relationship Thresholds. This would be an appropriate result despite the increase in excluded advisers. As noted above, one aspect of the statutory definition of small business or small organization under the RFA is that the entity is ''independently owned and operated.'' [113] The continued application of a control relationship threshold (including as amended) would exclude advisers that may not have significant RAUM or total assets themselves but are in a control relationship with a large adviser (or other firm) and thus are not ''independently owned and operated,'' appropriately focusing the Commission's analyses on those advisers that are small for purposes of the RFA.[114]

We are not at this time proposing revisions to the Total Assets Threshold. Accordingly, we are not proposing to amend the total assets threshold in the Control Relationship Threshold, but are requesting comment on whether to revise the threshold.

We request comment on all aspects of the proposed amendments to the Control Relationship Threshold, including the following items:

26. Should the assets under management threshold in the Control Relationship Threshold be increased to $1 billion as proposed? Should the threshold be tied to the RAUM Threshold as proposed? Should the total assets threshold in the Control Relationship Threshold be changed? If so, what should it be changed to, and why? Should the threshold be tied to the Total Assets Threshold? Or should we use a different assets under management threshold and total assets threshold for this purpose? Should the Control Relationship Threshold include alternative criteria other than assets under management and total assets, for example, if alternative criteria are used at adoption to replace or modify the current RAUM Threshold and/or Total Assets Threshold? [115] Should the Control Relationship Threshold be eliminated?

27. As discussed above, the Commission is considering whether to amend the Total Assets Threshold but is not proposing specific revisions to it at this time. Should the Commission incorporate any future amendments to the Total Assets Threshold into the Control Relationship Threshold? If the Commission modifies or eliminates the Total Assets Threshold in paragraph (a)(2) with respect to investment advisers, should it also do so or instead maintain the total assets threshold with respect to persons that are control affiliates in paragraph (a)(3)? Why or why not?

28. Does paragraph (a)(3)'s treatment of advisers affiliated with other advisers and persons that are not themselves ''small entities'' properly focus on control affiliations? Are there other relationships that more appropriately capture the types of affiliations the Control Relationship Threshold was designed to capture? If so, what are they, and why? Are there specific factors that would appropriately include as small entities those advisers that are substantially managed and resourced independently of any control affiliate? [116] If so, what are they, and

[108] Proposed rule 0–7(a)(3) under the Advisers Act. The proposal would also revise paragraph (a)(3) to remove ''(or such higher amount as the Commission may deem appropriate)'' in line with the proposed removal of related language in paragraph (a)(1). *See supra* footnote 79 (discussing the proposal's revision to paragraph (a)(1) to remove ''or such higher amount as the Commission may by rule deem appropriate under Section 203A(a)(1)(A) of the Act (15 U.S.C. 80b–3a(a)(1)(A)'').

[109] Proposed rule 0–7(c) under the Advisers Act.

[110] The proposed amendments to the Control Relationship Threshold would continue to consider an adviser's affiliates on an individual basis, unlike the proposed amendments applicable to investment companies, which would instead continue to consider the net assets of multiple related investment companies as aggregated together. *See supra* section II.A.2. The proposed amendments would thus remain consistent with the Commission's historically distinct approaches between identifying ''small entity'' investment advisers and ''small entity'' investment companies. Retaining this distinction as proposed would continue to be appropriate in light of the distinct operational and organizational structures of investment advisers and investment companies (for example, investment companies generally do not have any staff, unlike investment advisers, but instead rely on service providers for all of their operations, including regulatory compliance), as well as because of the distinct reporting information that the Commission receives with respect to investment advisers and investment companies.

[111] 1981 Proposing Release, *supra* footnote 23 (citing 5 U.S.C. 601(4) and 15 U.S.C. 632, which define as a small business or small organization an entity that ''is independently owned and operated and is not dominant in its field''); *see also* 1997 Proposing Release, *supra* footnote 33.

[112] *See* 1997 Proposing Release, *supra* footnote 33. A non-control affiliation with a large adviser or other person, or a control relationship with an adviser or other person that is itself a ''small entity,'' would not trigger exclusion under the Control Relationship Threshold. As noted above, per the Commission's prior positions and staff observations, advisers that are in a control relationship with other large firms typically benefit from the financial and technical resources of the large firm in a manner that is not reflected in advisers' own client or balance sheet assets. We continue to view this benefit as typically deriving from a control relationship rather than mere affiliation and, accordingly, believe that the RFA's exclusion of businesses that benefit from large affiliates is appropriately applied to advisers that are in a control relationship with other large advisers (or other firms).

[113] 5 U.S.C. 601(3), 601(4), and 15 U.S.C. 632(a).

[114] *See supra* footnotes 109–110 and accompanying text.

[115] *See supra* sections II.B.1 and II.B.2.

[116] *See* IAA Petition, *supra* footnote 10 (''We would expect the Commission, as part of the notice and comment process, to seek input on all elements of the proposed definition, including what specific factors would appropriately include as small entities those advisers that are substantially

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why? Are they different from the types of factors that may already be used to rebut the presumption of control arising from ownership?

29. Should the Control Relationship Threshold be amended to consider an adviser's control affiliates on an aggregate rather than individual basis, similar to the historical and proposed approach for investment companies, notwithstanding the operational and organizational differences between investment advisers and investment companies? If so, why, and how should this aggregation of control affiliates function? For example, should an adviser be considered a ''small entity'' if it, collectively with other investment advisers that are its control affiliates, has less than a certain amount of RAUM (*e.g.,* $1 billion)?

4. Form ADV Amendments

The proposal would amend Form ADV to revise Instruction 17 of the General Instructions,[117] Item 12 of Part 1A of Form ADV,[118] and rule 203–3(b).[119] The proposed amendments to Form ADV are designed to reflect the proposed revisions to the RAUM Threshold and the Control Relationship Threshold. Instruction 17, pursuant to rule 203–3(b), currently provides a continuing hardship exemption from electronic filing requirements if a registered or registering investment adviser is a small business and can demonstrate that filing electronically would impose an undue hardship.[120] In line with the amendments to the definition of small entity, the proposed amendments to Instruction 17 would permit a continuing hardship exemption from electronic filing requirements for investment advisers which: (i) can demonstrate that filing electronically would impose an undue hardship, (ii) are required to answer Item 12 because they have less than $1 billion, instead of $25 million, in RAUM, and (iii) are able to respond ''no'' to each question in Item 12, which would continue to track the elements of the small entity definition and which determines whether registered or registering investment advisers meet the definition of ''small business'' or ''small organization'' under rule 0–7.[121] We are also proposing to remove the parenthetical ''(because you have assets under management of less than $25 million)'' from Instruction 17 because this language is implicit in Instruction 17's requirement that an investment adviser be required to answer Item 12 and the threshold amount set forth in Instruction 17 would otherwise need to be updated periodically in conformity with rule 0–7 to remain valid. We are also proposing to revise the language of Instruction 17 and rule 203–3(b) to explicitly apply to an investment adviser who is either a ''small business'' or ''small organization'' in conformity with Item 12.

The amendments to Item 12 would revise the RAUM threshold under which an investment adviser must complete Item 12 from $25 million to $1 billion, corresponding with the proposed amendments to the definitions of ''small business'' and ''small organization'' under rule 0–7.[122] They would also revise the thresholds set forth in Items 12.B.(1) and C.(1)—which collect information on the elements of the small entity definition—to align with the proposed Total Assets Threshold and Control Relationship Threshold. Finally, we are proposing to revise Item 12 in order to: (i) provide more context regarding the significance of Item 12 in determining whether an adviser is a ''small entity,'' (ii) reference updates to the form by the Commission to reflect changes to these thresholds due to the Inflation Adjustment Mechanism, and (iii) explain that the thresholds in Item 12 will be adjusted in conformity with the thresholds in rule 0–7.

We request comment on all aspects of the proposed revisions to Form ADV, including the following items:

30. Should Form ADV be revised to conform to the proposed revisions to rule 0–7, as proposed? Do commenters foresee any difficulties arising from increasing the RAUM threshold in Instruction 17 under which investment advisers may seek a continuing hardship exemption from electronic filing requirements? Are investment advisers with greater than $25 million in RAUM likely to take advantage of this continuing hardship exemption?

31. Should the Commission amend Form ADV to require investment advisers to report additional information regarding their total assets? For example, in addition to what is already required, should Item 1.O be amended to require an investment adviser to report its total assets on the last day of its most recent fiscal year, to report whether it has $5 million (or any revised threshold adopted by the Commission) or more in assets on the last day of its most recent fiscal year, or to report any other range?

32. Should the Commission amend Form ADV to require investment advisers to report additional information regarding other persons (other than natural persons) that the investment adviser controls? For example, should an investment adviser have to report the approximate total assets of persons (other than private funds reported in Section 7.B.(1)) that the investment adviser controls in Section 7.A. of Schedule D of Form ADV, as of the last day of the person's most recent fiscal year?

33. Should the Commission amend Form ADV to require investment advisers to report additional information regarding other persons (other than natural persons) that control or are under common control with the investment adviser? What information could be requested here that would assist the Commission in establishing that a controlled investment adviser is a ''small entity'' for the purposes of the analyses conducted under the RFA?

34. Should the Commission require investment advisers to report additional information regarding the nature of their control relationships? For example, if the Commission required an investment adviser to report whether it received financial or administrative assistance from a person (other than a natural person) it is in a control relationship with, should the absence of such assistance impact whether an investment adviser is considered a ''small entity'' for purposes of the RFA?

35. Does the text proposed to be added to Item 12 clarify that an investment adviser that is required to answer Item 12 and is properly able to respond ''no'' to each question in Item 12.A, B, and C is considered a ''small entity'' for the purposes of the analyses conducted under the RFA? Should the Commission require investment advisers to self-report their ''small entity'' status following completion of Item 12, or would it be helpful to add an automated message in the Investment Adviser Registration Depository (''IARD'') indicating an investment adviser's reported ''small entity'' status once it properly completes Item 12? Would indicating an investment adviser's reported ''small entity'' status be useful for investors reviewing Form ADV filings or for investment advisers completing Form ADV?

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managed and resourced independently of any control affiliate.'').

[117] *See* proposed Form ADV General Instructions, Instruction 17.

[118] *See* proposed Form ADV, Part 1A, Item 12.

[119] *See* 17 CFR 275.203–3(b) (setting forth the conditions for an investment adviser to apply for a continuing hardship exemption).

[120] *See* current Form ADV General Instructions, Instruction 17.

[121] A registered or registering investment adviser which can respond ''no'' to each question in Item 12 has not exceeded the RAUM Threshold, Total Assets Threshold, or Control Relationship Threshold.

[122] *See* current Form ADV, Part 1A, Item 12.

36. Should the Commission require exempt reporting advisers to complete Item 12 or report their RAUM on Form ADV? If so, how should exempt reporting advisers report their RAUM?

37. Should the Commission remove the parenthetical ''(because you have assets under management of less than $25 million)'' from Instruction 17? Would it provide investment advisers with useful information if the Commission instead left the parenthetical in Instruction 17 and periodically updated the threshold amount for inflation in accordance with the proposed rule 0–7(c)? Why or why not?

38. Does the additional language proposed to be added to Item 12 regarding the inflation adjustment make clear that the thresholds in that item would be adjusted for inflation in conformity with the inflation adjustments to the thresholds in rule 0–7? Would referencing the inflation adjustments create confusion for investment advisers filling out Item 12? Why or why not?

C. Periodic Future Adjustments

In addition to proposing to adjust the asset-based thresholds, we are also proposing amendments to rules 0–7 and 0–10 that would provide a mechanism for periodic future adjustments of the asset-based thresholds used in these rules' small entity definitions.[123] Specifically, the amendments would provide that the Commission will issue an order every ten years adjusting: (i) the net asset threshold in the investment company small entity definition; and (ii) in the investment adviser small entity definition, the RAUM Threshold, the Total Assets Threshold, and the assets under management and total assets aspects of the Control Relationship Threshold.

In proposing to adjust certain asset-based thresholds for ''small entity'' definitions as discussed above, the Commission considered an analysis of the distribution of fund and adviser assets and the growth in these assets over time. The thresholds provided for by the amendments would improve the utility of the RFA analysis at adoption in a manner, for the reasons discussed above, that is more appropriate than the alternatives we considered (*e.g.,* an employee-based or revenue-based size standard or inflation adjusting the current thresholds). These proposed thresholds, however, may become less useful over time due to growth in markets and any subsequent changes in the investment company and investment adviser industries. The proposed adjustment would ensure that the thresholds are adjusted every ten years, because the adjustment would be required by rule and effected through a Commission order. Adjustments that the Commission makes mechanically by order could help maintain the thresholds at levels that reflect the buying power of money over time, without the need for Commission action through rulemaking. The Commission has historically incorporated automatic inflation adjustments to certain dollar-based thresholds in regulations affecting investment companies and investment advisers.[124] These automatic adjustments reflect that some level of change in dollar value is reasonably anticipated to occur in the future, and help ensure that the rules' intended application remains consistent and relevant over time. We similarly expect that the proposed adjustments would prevent the thresholds in the small entity definitions from becoming less meaningful over time on account of anticipated changes in dollar value. Specifically, because a fund's size is related to its ability to bear compliance costs, adjusting the asset-based thresholds is designed to account for potential increases in those compliance costs. It is possible, but less predictable, that the net asset thresholds may become less useful over time even taking the proposed adjustments into account (for example, with the advent of market events, changes in the makeup or distribution of size of the fund or adviser markets, or other industry changes). In this case, the Commission could consider performing appropriate analyses to propose amendments to the thresholds again in the future.

Unlike our analysis that informed the proposed increases to the asset-based thresholds, inflation is a known factor for which a precise value can reliably be derived from a defined index. The proposed amendments to rule 0–10 and rule 0–7 would require that the adjustment of the asset-based thresholds be calculated by reference to the Personal Consumption Expenditures Chain-Type Price Index (the ''PCE Index''),[125] which is published by the Department of Commerce.[126] The PCE Index is often used as an indicator of inflation in the U.S. economy.[127] Additionally, the Commission routinely has used the PCE Index in similar contexts in Commission rules, and it is also used in provisions of the federal securities laws.[128] We are proposing to

[123] Proposed rule 0–10(c); proposed rule 0–7(c). Proposed rule 0–7(c)(1) would adjust the RAUM Threshold and assets under management aspects of the Control Relationship Threshold by starting with the same quotient but would multiply that by $1 billion, rounded to the nearest multiple of $100 million. Proposed rule 0–7(c)(2) would, as discussed above, adjust the Total Assets Threshold and the net assets aspect of the Control Relationship Threshold by multiplying the same quotient by $5 million, rounded to the nearest multiple of $500,000. *See also supra* section II.B.2.

[124] *See, e.g.,* rule 3c–7 under the Investment Company Act; rule 205–3 under the Advisers Act; *see also infra* footnote 128.

[125] Proposed rule 0–10 would require the net asset threshold for small entities be adjusted for inflation by (i) dividing the year-end value of the PCE Index for the calendar year preceding the calendar year in which the order is being issued, by the year-end value of the PCE Index for the calendar year any final rule is adopted, (ii) multiplying $10 billion (*i.e.,* the proposed net asset threshold) by that quotient, and (iii) rounding the product to the nearest multiple of $1 billion.

[126] The values of the PCE Index are available from the Bureau of Economic Analysis, a bureau of the Department of Commerce. *See https://www.bea.gov*. The PCE Index measures the prices that people living in the United States, or those buying on their behalf, pay for goods and services. The PCE Index is known for capturing inflation (or deflation) across a wide range of consumer expenses and reflecting changes in consumer behavior. *See https://www.bea.gov/data/personal-consumption-expenditures-price-index*.

[127] *See, e.g.,* Clinton P. McCully, Brian C. Moyer & Kenneth J. Stewart, Comparing the Consumer Price Index and the Personal Consumption Expenditures Price Index, SURVEY OF CURRENT BUS., Nov. 2007, at 26, n.1 (PCE Index measures changes in ''prices paid for goods and services by the personal sector in the U.S. national income and product accounts'' and is primarily used for macroeconomic analysis and forecasting); *see also* FEDERAL RESERVE BOARD, MONETARY POLICY REPORT TO THE CONGRESS, at n.1 (Feb. 17, 2000), *available at https://www.federalreserve.gov/boarddocs/hh/2000/february/ReportSection1.htm#FN1* (noting the reasons for using the PCE Index rather than the consumer price index).

[128] *See, e.g.,* Qualifying Venture Capital Funds Inflation Adjustment, Investment Company Act Release No. 35305 (Aug. 24, 2024) [89 FR 70479 (Aug. 30, 2024)] (adopting a rule that adjusts for inflation the dollar threshold used in defining a ''qualifying venture capital fund'' using the PCE Index); Investment Adviser Performance Compensation, Investment Advisers Act Release No. 3372 (Feb. 15, 2012) [77 FR 10358, 10367 (Feb. 22, 2012)] (stating that the Commission is using the PCE Index in connection with required inflation adjustments to the dollar thresholds in the definition of ''qualified client'' appearing in 17 CFR 275.205–3, and stating that the PCE Index is widely used as a broad indicator of inflation in the economy); Definitions of Terms and Exemptions Relating to the ''Broker'' Exceptions for Banks, Securities Exchange Act Release No. 56501 (Sept. 24, 2007) [72 FR 56514 (Oct. 3, 2007)] (using PCE Index in adopting periodic inflation adjustments to the fixed-dollar thresholds for both ''institutional customers'' and ''high net worth customers'' under rule 701 of Regulation R ''because it is a widely used and broad indicator of inflation in the U.S. economy''); *see also* Amendments to Form ADV, Investment Advisers Act Release No. 3060 (July 28, 2010) [75 FR 49234 (Aug. 12, 2010)] (using PCE Index in increasing for inflation the threshold amount for prepayment of advisory fees that triggers an adviser's duty to provide clients with an audited balance sheet and the dollar threshold triggering the exception to the delivery of brochures to advisory clients receiving only impersonal advice). The Dodd-Frank Act also requires the use of the PCE Index to calculate inflation adjustments for the cash

Continued

use the PCE Index to calculate inflation adjustments for this rulemaking for consistency with other Commission rules, and because the methodology and scope of the PCE Index reflects a broad sector of the U.S. economy.

We are proposing a schedule of adjusting the investment company and investment adviser small entity asset thresholds for inflation every 10 years. Given the distributions of different-sized entities for investment companies and investment advisers, inflationary changes over shorter periods would generally not result in a meaningfully different set of investment companies and investment advisers being considered small entities under their respective definitions. Additionally, implementing more frequent adjustments would pose challenges for the Commission's RFA analysis because more frequent inflation adjustments make it more likely that a fund's or adviser's small entity status would change between proposal and adoption.

The proposed amendments providing for future inflation adjustment to the investment company small entity net asset threshold would require rounding to the nearest multiple of $1,000,000,000. The proposed amendments to the investment adviser small entity RAUM Threshold and assets under management aspect of the Control Relationship Threshold would require rounding to the nearest multiple of $100,000,000 whereas the amendments to the Total Assets Threshold and total assets aspect of the Control Relationship Threshold would require rounding to the nearest multiple of $500,000. Due to the magnitude of each of these thresholds ($10 billion, $1 billion and $5 million respectively), rounding with greater specificity would not be a useful differentiator of funds' or advisers' ability to bear regulatory cost due to size.[129]

We request comment on all aspects of the proposed amendments to rules 0–10 and 0–7 that would provide for periodic future inflation adjustments to the asset-based thresholds used in these rules' small entity definitions, including the following items:

39. Should the Commission adopt the proposed mechanism for periodic adjustments of the small entity asset-based thresholds in rule 0–10 and rule 0–7 by order, and if not, why not? Is adjusting for inflation the best mechanism for determining this periodic adjustment? If so, is the PCE Index the price index best suited for this purpose? Are there other price indexes, such as the Consumer Price Index for All Urban Consumers, the Producer Price Index, or the GDP Price Deflator, that would be better suited for this purpose, and why?

40. Instead of or in addition to periodically adjusting for inflation, should the Commission periodically and mechanically adjust the small entity thresholds to reflect any other metric? If so, why? For example, should the Commission periodically and mechanically adjust the thresholds to reflect overall growth in the markets (as a proxy for asset growth in the investment company and investment adviser industries) by reference to a securities market index or a blend of security market indexes? If so, what index, or blend of indexes, would be appropriate, given that funds and advisers invest in all types of securities, including in private markets? Should the Commission make periodic adjustments to the asset thresholds in order to maintain a fixed percentage of investment companies and investment advisers as small entities? Should this percentage be of fund families, total number of entities, total industry assets or some other metric? If the Commission were to maintain a fixed percentage of small entities, what should that percentage be for investment companies and for investment advisers? For example, should it be the percentages that result following the proposed increase in asset thresholds in rules 0–10 and 0–7, as discussed above?

41. Is 10 years an appropriate timeframe for future adjustments for the investment company and investment adviser small entity asset thresholds and if not, why not? Would a shorter or longer timeframe such as 1, 3, 5 or 15 years be more appropriate? Would different timeframes be appropriate for investment companies and investment advisers? Should there be circumstances where the rules specify that the periodic adjustment should not occur or should be postponed (*e.g.,* in the case of a significant market downturn that extends beyond a certain period)?

42. Should the Commission select an adjustment cycle that starts on a specified year, rather than based on the date of final adoption? For instance, if the Commission were to adopt these rules in 2026, should the first adjustment occur in 2035 and then every 10 years thereafter (*e.g.,* 2045, 2055, 2065, etc.)? Should the adjustment period coincide with the adjustment cycles for other rules? [130]

43. When calculating the inflation-adjusted asset thresholds, should we round the dollar amount or use an exact number for the threshold? If we are rounding, is rounding to the proposed amounts the appropriate level of specificity for these calculations? Are there any considerations that are unique to any of the asset-based thresholds? Please supply explanations and reasoning.

III. Economic Analysis

The Commission is mindful of the economic effects, including the costs and benefits, of its rules. The Commission has a long-held focus on small entities when engaged in rulemaking. A purpose of the RFA is to promote the effectiveness and efficiency of regulations, including through consideration of alternative regulatory approaches, with the goal of minimizing the significant economic impact on small entities consistent with the stated objectives of applicable statutes.[131] The Commission is required to determine if a rulemaking is likely to have a ''significant economic impact on a substantial number of small entities'' under the RFA.[132] In applicable rulemakings, the Commission's definitions of ''small entities'' determine the scope of the IRFA and FRFA. The proposed definitions are expected to better tailor the Commission's analyses of the specific regulatory challenges faced by small entities by expanding the scope of the analyses that the Commission conducts under the RFA. These analyses would, in turn, better inform the Commission of the regulatory impacts faced by small entities so that it may consider adapting its rulemaking accordingly. To the extent such adaptations to future rulemakings would occur, the use of the amended definitions of ''small entities'' in RFA analyses could result in different benefits and costs of such rulemakings. For example, if the Commission, informed by the more tailored RFA analyses, determined to scope fewer small entities into future rulemakings or tailor obligations imposed by such rulemakings differently for small entities, there could be fewer compliance costs imposed on such entities.

In addition to these indirect effects, the proposed rule would have direct economic effects where the proposed small entity definitions would affect the

limit protection of each investor under the Securities Investor Protection Act of 1970. *See* section 929H(a) of the Dodd-Frank Act, 15 U.S.C. 78fff–3.

[129] We are proposing to round all the asset-based thresholds to the nearest 10% of the amount of the adjusted threshold. *See* proposed rule 0–7(c)(1)(ii) and (c)(2)(ii) and proposed rule 0–10(c)(2).

[130] *See supra* footnote 128.

[131] *See supra* footnote 2.

[132] *See supra* footnote 3.

application of existing Commission rules and regulations. Currently, the Commission's definition of ''small entity'' under the RFA is incorporated into the Commission's other rules and regulations only in connection with an adviser's responses to Form ADV (and the Commission is proposing to make corresponding amendments to the form). We thus consider the effects of the proposed definition as it relates to the use of that definition in Form ADV as well as the effects of the associated proposed changes to the form.

First, the proposal would amend Form ADV to revise Instruction 17 of the General Instructions, which currently permits registered or registering investment advisers to receive a continuing hardship exemption from Form ADV electronic filing requirements, pursuant to rule 203–3(b), if such investment adviser is a small business and can demonstrate that filing Form ADV electronically would impose an undue hardship. Instruction 17, as revised, defines an investment adviser as a ''small business'' or ''small organization'' if it is required to answer Item 12 (which itself relies on the definition in rule 0–7) and it is able to respond ''no'' to each question in Item 12. Since the proposed amendments to Item 12, in conformity with rule 0–7, would reflect that the RAUM Threshold was increased from $25 million to $1 billion, Instruction 17 would similarly reflect this increase in the threshold for the availability of the continuing hardship exemption.[133] Approximately 10,051 [134] additional registered investment advisers may be eligible for the exemption under the revised definition, as reflected in the amended Instruction 17, before any future adjustment for inflation.[135]

We expect that the increased availability of the continuing hardship exemption to registered investment advisers meeting the proposed definition would have minimal economic impact. Due to the ubiquity of inexpensive access to computers and the internet—both to advisers themselves and to the service providers they may employ—any newly eligible advisers are unlikely to be able to demonstrate that filing Form ADV electronically would impose an undue hardship.[136] We therefore anticipate that few, if any, additional advisers would be able to rely on the exemption.

Second, the proposal would amend Item 12 of Part 1A of Form ADV to align the RAUM threshold for completing the questions in that item with the proposed amendments to the definitions of ''small business'' and ''small organization'' under rule 0–7; the amendments to that item would also revise the questions in Items 12.B.(1) and C.(1) to collect information on the elements of the amended small entity definition.[137] As a result, approximately 10,051 [138] additional registered investment advisers would be required to complete Item 12 of Part 1A (before any future adjustment for inflation).[139] Because the information to complete the corresponding questions would be readily available to advisers, we estimate that the cost increase for each affected adviser would be minimal, averaging approximately $95 per adviser per year.[140]

We use a discount rate to adjust for differences in the timing of estimated benefits and costs.[141] Table 4 presents the discounted present value of expected annualized benefits and costs that are monetized in our economic analysis, using real discount rates of 3 percent and 7 percent.[142] We use a 10-year horizon that encompasses the principal expected benefits and costs that are monetized in the economic analysis.[143]

TABLE 4—PRESENT DISCOUNTED VALUE OF MONETIZED BENEFITS AND COSTS (IN 2025 $) OVER A 10-YEAR TIME HORIZON [1]

Estimated effects	3% Real discount rate	7% Real discount rate
Benefits	n/a	n/a
Costs	[2] $8,266,294	[3] $6,937,187

[1] This Table includes only benefits and costs that are monetized in the economic analysis.
[2] We estimate recurring annual compliance costs of approximately $95 per adviser for 10,051 affected advisers. The resulting aggregate annual burden is $954,845. We assume that these costs are incurred in a steady stream, and we apply mid-year discount factors.
[3] *Id.*

We do not anticipate that the proposed amendments would have any direct effects on efficiency, competition, or capital formation because, as discussed above, they would have minimal direct economic impact. But to the extent that the amended definitions of ''small entities'' contribute to the Commission better tailoring its rulemaking to account for the regulatory challenges faced by small entities, they could have indirect effects on efficiency, competition, and capital formation resulting from future rulemakings. For example, if the Commission, informed by the more tailored RFA analyses, determined to tailor future rulemakings to reduce compliance costs for small entities, there could be benefits to competition.

Lastly, the Commission considered alternatives to the proposed amendments to Form ADV to align the form with the amended definition.[144] Specifically, we considered replacing Item 12 of Part 1A of Form ADV with a single question that would ask

[133] *See supra* section II.B.4II.B.4.

[134] This estimate captures the number of registered investment advisers with RAUM equal to or above $25 million but below $1 billion. *See infra* footnote 149.

[135] *See supra* section II.C.

[136] The Commission has not received applications for the continuing hardship exemption in recent years. In addition, advisers may still be eligible for the temporary hardship exemption under 17 CFR 275.203–3(a), regardless of whether they are a small business or small organization, if they experience unforeseen technical difficulties.

[137] *See supra* section II.B.4II.B.4.

[138] *See supra* footnote 134.

[139] *See supra* section II.C.

[140] The $95 is based on the following calculations: hourly rate of a Management Analyst in the securities industry at $378 for 0.25 hours ≈ $95. *See infra* footnote 151.

[141] *See* OMB, CIRCULAR A–4, at 32 (Sept. 17, 2003) (discussing the main rationales for this understanding).

[142] Consistent with OMB Circular A–4 and to reflect the difference in timing of economic effects when benefits and costs do not take place in the same time period, the Commission presents monetized economic effects using discount factors. *See id.* at 31–34 (stating that, ''[f]or regulatory analysis, [agencies] should provide estimates of net benefits using both 3 percent and 7 percent'' discount rates and discussing why those rates are reasonable default rates).

[143] *See id.* at 31 (stating that ''[t]he ending point should be far enough in the future to encompass all the significant benefits and costs likely to result from the rule'').

[144] Given the scope and context for this rulemaking, the Commission does not believe there are specific reasonable alternatives to the proposed conforming changes to the instruction for the continuing hardship exemption because these changes merely align the language in the instruction with the amended small entity definition and related changes to Item 12.

advisers to indicate whether they fall under the amended small entity definition, instead of providing the information in Items 12.A, B, and C that would allow the Commission to continue to make that determination, under the amended definition. While the alternative would streamline the information reported in that item, we understand that it would not reduce costs for advisers because an adviser would still have to gather from its own records the information needed to apply the small entity definition.[145] In addition, maintaining the requirement for advisers to report the information needed to apply the ''small entity'' definition would continue to provide the Commission with insight into the class of small entity advisers and how the individual parts of the definition affect whether advisers qualify as a small entity.

We request comment on all aspects of the economic analysis of the proposed amendments. To the extent possible, we request that commenters provide supporting data and analysis on the benefits, costs, and effects on competition, efficiency, and capital formation of the proposed amendments or any reasonable alternatives.

IV. Paperwork Reduction Act

A. Introduction

The proposal would revise an existing ''collection of information'' within the meaning of the Paperwork Reduction Act of 1995 (the ''PRA'').[146] The title for the collection of information is: ''Form ADV'' (OMB control number 3235–0049). The Commission is submitting this collection of information to the OMB for review and approval in accordance with the PRA.[147] 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.

We discuss below the collection of information burdens associated with the proposed amendments to Form ADV. Responses to the disclosure requirements of the proposed amendment to Form ADV are not kept confidential.

[145] We anticipate that advisers would generate the necessary records in the ordinary course of their advisory businesses. *See infra* footnote 152.

[146] 44 U.S.C. 3501 *et seq.*

[147] 44 U.S.C. 3507(d); 5 CFR 1320.11.

B. Proposed Amendments to Form ADV

The proposal would amend Form ADV to revise Item 12 of Part 1A of Form ADV to increase the RAUM Threshold under which an investment adviser must complete Item 12 from $25 million to $1 billion, corresponding with the proposed amendments to the definitions of ''small business'' and ''small organization'' under rule 0–7 under the Advisers Act.[148] The proposal would also revise the thresholds set forth in Items 12.B.(1) and C.(1)—which collect information on the elements of the small entity definition—to align with the proposed changes to the Control Relationship Threshold. These collections of information would provide information to the Commission and investors. The Commission staff may also use the collection of information in its examination and oversight program. Because the proposal would expand the group of advisers that are required to provide responses to Item 12, an additional burden would be imposed on advisers that have between $25 million and $1 billion in RAUM.

We estimate this burden to amount to an average of fifteen minutes (or 0.25 hours) annually per adviser. We estimate the number of respondents to this information collection to be 10,850 advisers, including 799 advisers that have less than $25 million in RAUM and may already complete Item 12.[149] Accordingly, we estimate the total burden hours for the new Form ADV amendments to be 2,512.75 hours.[150] We estimate that the total monetized cost to each registered investment adviser that would be newly required to respond to Item 12 as a result of the amendments would be approximately $94.50,[151] and that the total monetized cost for such advisers would be $949,819.50.[152]

C. Proposed Amendments to Rule 0–7 of the Advisers Act and Rule 0–10 of the Investment Company Act

Each of proposed rule 0–7 and rule 0–10 does not contain a ''collection of information'' requirement within the meaning of the Paperwork Reduction Act of 1995 (the ''PRA''), nor does it create any new filing, reporting, recordkeeping, or disclosure reporting requirements.[153] Accordingly, the PRA is not applicable.[154]

D. Total Estimated Burden

We estimate that investment advisers that would be newly required to respond to Item 12 of Part 1A of Form ADV would incur a total annual hour burden resulting from the collections of information discussed above of approximately 2,512.75 hours, at a monetized cost of $949,819.50.[155] The total external burden costs would be $0.

A chart summarizing the proposed components of the total annual burden for investment advisers is below.

[148] *See supra* section II.B.1.

[149] This estimate is based on information reported by advisers through the IARD. Based on IARD data as of Dec. 31, 2024, of the 15,909 SEC-registered advisers, 10,850 responded to Item 5.F. of Part 1A of Form ADV indicating that they have RAUM of less than $1 billion, and 799 indicated that they have RAUM of less than $25 million.

[150] 10,850 − 799 = 10,051 advisers. One-quarter (.25) hour × 10,051 advisers = 2,512.75 hours.

[151] We estimate the cost at a rate of $378 per hour, which is the compensation rate that we have calculated for a Management Analyst in the securities industry. One-quarter (0.25) hours × $378 per hour = $94.50. To calculate the occupational hourly rates used in this release, the Commission uses occupation-specific mean hourly wage data from the Occupational Employment and Wage Statistics (OEWS) program of the Bureau of Labor Statistics (BLS) for the securities industry (NAICS 523). *See Occupational Employment and Wage Statistics,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/oes/; see also Standard Occupational Classification,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/soc/* (describing occupational classification system used by BLS); Exec. Off. of the President, Off. of Mgmt. & Budget, North American Industry Classification System (2022), *available at https://www.census.gov/naics/reference_files_tools/2022_NAICS_Manual.pdf* (describing the industry classification system used by BLS and other agencies). To account for any changes in wages between the data reference period and when the data are released, the mean hourly wage for each occupation is multiplied by the seasonally adjusted employment cost index for private wages and salaries. *See Employment Cost Index,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/eci/.* The adjusted mean hourly wage is then multiplied by a factor that accounts for nonwage costs, such as bonuses, benefits, and overhead. The nonwage cost adjustment factor is calculated as an average over the 10 most recently available years of data of the ratio of the Bureau of Economic Analysis's annual gross output data for the securities industry to total annual wages across all occupations for the securities industry's OEWS data. *See Gross Output by Industry,* U.S. Bureau of Economic Analysis, *https://www.bea.gov/data/industries/gross-output-by-industry; Occupational Employment and Wage Statistics,* U.S. Bureau of Labor Statistics, *https://www.bls.gov/oes/.* The final product is the occupational hourly rate. *See generally* Updated Methodology for Calculating Occupational Hourly Rates (Dec. 19, 2025), *available at https://www.sec.gov/files/method-occupational-hourly-rates.pdf.*

[152] 2,512.75 hours × $378 per hour = $949,819.50. We do not expect advisers to incur any external cost burden in connection with this information collection because advisers generate the necessary records in the ordinary course of their advisory businesses.

[153] 44 U.S.C. 3502(3).

[154] 44 U.S.C. 3501 *et seq.*

[155] This estimate is based upon the following calculation: 2,512.75 hours × $378 per hour.

Form ADV description of new requirements	Number of responses	Internal burden hours	External burden costs
Annual burden for making representations on Item 12 of Part 1A of Form ADV.	10,051	2,512.75 (0.25 hours per adviser)	0

We estimate the total burden associated with the proposed amendments to Form ADV to amount to an average of one-quarter (0.25) hours annually per adviser. The amendments do not require investment advisers to collect any new types of information. The only differences in burden hours and internal monetized costs between current and proposed Item 12 of Part 1A of Form ADV will be determined by the number of advisers newly required to respond to Item 12.

E. Request for Comments

We request comment on whether our estimates for burden hours and any external costs as described above are reasonable. Pursuant to 44 U.S.C. 3506(c)(2)(B), the Commission solicits comments in order to: (i) evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (ii) evaluate the accuracy of the Commission's estimate of the burden of the proposed collections of information, including whether the estimates are too high or too low; (iii) determine whether there are ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) determine whether there are ways to minimize the burden of the collections of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology.

In addition to these general requests for comment, we also request comment specifically on the following issues:

44. Our analysis relies upon certain assumptions, such as that it will take advisers approximately one-quarter (0.25) hours per year to respond to the proposed amendments to Item 12. Do commenters agree with these assumptions? If not, why not, and what data would commenters recommend that we use?

Persons wishing to submit comments on the collection of information requirements of the proposed amendments should direct them to the OMB Desk Officer for the Securities and Exchange Commission, *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov*, and should send a copy to Vanessa A. Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090, with reference to File No. S7–2026–01. OMB is required to make a decision concerning the collections of information between 30 and 60 days after publication of this release; therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days after publication of this release. Requests for materials submitted to OMB by the Commission with regard to these collections of information should be in writing, refer to File No. S7–2026–01, and be submitted to the Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

V. Regulatory Flexibility Act Certification

The RFA [156] requires the SEC to prepare and make available for public comment an initial regulatory flexibly analysis of the impact of the proposed rule amendments on small entities, unless the SEC certifies that the rules, if adopted would not have a significant economic impact on a substantial number of small entities.[157] Pursuant to section 605(b) of the RFA, the SEC hereby certifies that the proposed amendments to rule 0–10 under the Investment Company Act, rules 0–7 and 203–3(b) under the Advisers Act, and Form ADV would not, if adopted, have a significant economic impact on a substantial number of small entities.

For the purposes of the Advisers Act and the Regulatory Flexibility Act, an investment adviser generally is a small entity if it: (i) has assets under management having a total value of less than $25 million; (ii) did not have total assets of $5 million or more on the last day of the most recent fiscal year; and (iii) does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management of $25 million or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year.[158] For the purposes of the Investment Company Act and the Regulatory Flexibility Act, investment companies are considered small entities if they, together with other funds in the same group of related funds, have net assets of $50 million or less as of the end of its most recent fiscal year.[159]

The Commission's proposed amendments to the Small Entity Rules would ultimately affect its analyses under the RFA in future rulemakings but would not themselves impose an economic impact on funds or advisers. The proposed amendments to rule 203–3(b) are clarifying in nature and would not impose a significant economic impact on advisers. While additional investment advisers would have to complete Item 12 of Form ADV, the information required by this Item is readily available to advisers and the additional cost of this change would be minimal.[160] Therefore, there would be no significant economic impact on a substantial number of small entities as a result of these proposed amendments. The SEC encourages written comments on the certification. Commentators are asked to describe the nature of any impact on small entities and provide empirical data to support the extent of the impact.

The Commission understands that no regulatory flexibility analysis is required for the proposed amendments. The proposed amendments to the definitions of the terms ''small business'' and ''small organization'' for investment companies and investment advisers do not impose any substantive requirements on small businesses.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the SEC hereby certifies that the proposed amendments to Investment Company Act rule 0–10, Advisers Act rule 0–7 and Form ADV would not, if adopted, have a significant economic impact on a substantial number of small entities.

VI. Consideration of Impact on the Economy

For purposes of SBREFA,[161] we must advise OMB whether a regulation constitutes a ''major'' rule. Under SBREFA, a rule is considered ''major''

[156] 5 U.S.C. 601 *et seq.*

[157] *See* 5 U.S.C. 603(a) and 605(b).

[158] Rule 0–7.

[159] Rule 0–10.

[160] *See supra* footnote 140 and accompanying text.

[161] Public Law 104–121, Title II, 110 Stat. 857 (1996) (codified in various sections of 5 U.S.C., 15 U.S.C., and as a note to 5 U.S.C. 601).

where, if adopted, it results in or is likely to result in (i) an annual effect on the economy of $100 million or more; (ii) a major increase in costs or prices for consumers or individual industries; or (iii) significant adverse effects on competition, investment or innovation.

We request comment on the potential impact of the proposed amendments on the economy on an annual basis. Commenters are requested to provide empirical data and other factual support for their views to the extent possible.

VII. Other Matters

This action is a significant regulatory action under Executive Order 12866, as amended, and has been reviewed by the Office of Management and Budget.

Statutory Authority

The Commission is proposing the rule and form amendments contained in this document under the authority set forth in chapter 6 of title 5 of the United States Code (particularly section 601 thereof [5 U.S.C. 601]), the Investment Company Act, particularly, section 38 thereof [15 U.S.C. 80a–37], the Advisers Act, particularly section 211 thereof [15 U.S.C. 80b–11].

List of Subjects in 17 CFR Parts 270, 275, and 279

Investment companies, Investment advisers, Reporting and recordkeeping requirements, Administrative practice and procedure.

Text of Proposed Rule and Form Amendments

For the reasons set out in the preamble, the SEC proposes to amend title 17, chapter II of the Code of Federal Regulations as follows:

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

■ 1. The authority citation for part 270 continues to read, in part, as follows:

Authority: 15 U.S.C. 80a–1 *et seq.,* 80a–34(d), 80a–37, 80a–39, 1681w(a)(1), 6801–6809, 6825, and Pub. L. 111–203, sec. 939A, 124 Stat. 1376 (2010), unless otherwise noted.

* * * * *

■ 2. Amend § 270.0–10 by:

■ a. Revising paragraph (a).

■ b. Removing paragraph (b).

■ c. Revising paragraph (c) and redesignating paragraph (c) as paragraph (b).

■ d. Adding new paragraph (c).

The revisions read as follows:

§ 270.0–10 Small entities under the Investment Company Act for purposes of the Regulatory Flexibility Act.

(a) *General.* For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 *et seq.*) and unless otherwise defined for purposes of a particular rulemaking, the term *small business* or *small organization* for purposes of the Investment Company Act of 1940 shall mean an investment company that, together with other investment companies in the same family of investment companies, has net assets of $10 billion or less as of the end of its most recent fiscal year, or, following [DATE TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE], the dollar amount specified in the most recent order issued by the Commission in accordance with paragraph (c) of this section and as published in the **Federal Register**. For purposes of this section, family of investment companies has the same meaning and conditions as in Item B.5. of Form N–CEN.

(b) *Determination of net assets.* The Commission may calculate its determination of the net assets of a family of investment companies based on the net assets of each investment company in the family of investment companies as of the end of such company's fiscal year.

(c) *Future inflation adjustments.* The dollar amount specified in paragraph (a) of this section shall be adjusted by order of the Commission, issued on or about [DATE TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE], and approximately every ten years thereafter. The adjusted dollar amount established in such orders shall be computed by:

(1) Dividing the year-end value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), as published by the United States Department of Commerce, for the calendar year preceding the calendar year in which the order is being issued, by the year-end value of such index (or successor) for the calendar year [YEAR OF EFFECTIVE DATE OF FINAL RULE]; and

(2) Multiplying $10 billion times the quotient obtained in paragraph (c)(1) of this section and rounding the product to the nearest multiple of $1 billion.

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

■ 3. The authority citation for part 275 continues to read, in part, as follows:

Authority: 15 U.S.C. 80b–2(a)(11)(G), 80b–2(a)(11)(H), 80b–2(a)(17), 80b–3, 80b–4, 80b–4a, 80b–6(4), 80b–6a, 80b–11, 1681w(a)(1), 6801–6809, and 6825, unless otherwise noted.

* * * * *

■ 4. Amend § 275.0–7 by revising paragraph (a) and adding new paragraph (c).

The revisions read as follows:

§ 275.0–7 Small entities under the Investment Advisers Act for purposes of the Regulatory Flexibility Act.

(a) For purposes of Commission rulemaking in accordance with the provisions of Chapter Six of the Administrative Procedure Act (5 U.S.C. 601 *et seq.*) and unless otherwise defined for purposes of a particular rulemaking proceeding, the term *small business* or *small organization* for purposes of the Investment Advisers Act of 1940 shall mean an investment adviser that:

(1) Has assets under management, as defined under Section 203A(a)(3) of the Act (15 U.S.C. 80b–3a(a)(2)) and reported on its annual updating amendment to Form ADV (17 CFR 279.1), of less than $1 billion, or, following [DATE TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE], the dollar amount specified in the most recent order issued by the Commission in accordance with paragraph (c) of this section and as published in the **Federal Register**;

(2) Did not have total assets of $5 million or more on the last day of the most recent fiscal year, or, following [DATE TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE], did not have total assets equal to or greater than on the last day of the most recent fiscal year the dollar amount specified in the most recent order issued by the Commission in accordance with paragraph (c) of this section and as published in the **Federal Register**; and

(3) Does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management of $1 billion or more, or any person (other than a natural person) that had total assets of $5 million or more on the last day of the most recent fiscal year, or following [DATE TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE], does not control, is not controlled by, and is not under common control with another investment adviser that has assets under management equal to or greater than the dollar amount specified in the most recent order issued by the Commission in accordance with paragraph (c) of this section and as published in the **Federal Register**, or

any person (other than a natural person) that had total assets equal to or greater than the dollar amount specified in the most recent order issued by the Commission in accordance with paragraph (c) of this section and as published in the **Federal Register**;

* * * * *

(c) The dollar amounts specified in paragraph (a) of this section shall be adjusted by order of the Commission, issued on or about [DATE TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE], and approximately every ten years thereafter. The adjusted dollar amounts established in such orders shall be computed by:

(1) For purposes of paragraph (a)(1) and determining assets under management for purposes of paragraph (a)(3),

(i) Dividing the year-end value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), as published by the United States Department of Commerce, for the calendar year preceding the calendar year in which the order is being issued, by the year-end value of such index (or successor) for the calendar year [YEAR OF EFFECTIVE DATE OF FINAL RULE]; and

(ii) Multiplying $1 billion times the quotient obtained in paragraph (c)(1)(i) of this section and rounding the product to the nearest multiple of $100 million; and

(2) For purposes of paragraph (a)(2) and determining total assets for purposes of paragraph (a)(3),

(i) Dividing the year-end value of the Personal Consumption Expenditures Chain-Type Price Index (or any successor index thereto), as published by the United States Department of Commerce, for the calendar year preceding the calendar year in which the order is being issued, by the year-end value of such index (or successor) for the calendar year [YEAR OF EFFECTIVE DATE OF FINAL RULE]; and

(ii) Multiplying $5 million times the quotient obtained in paragraph (c)(2)(i) of this section and rounding the product to the nearest multiple of $500,000.

* * * * *

■ 5. Amend § 275.203–3 by revising paragraph (b).

The revisions read as follows:

§ 275.203–3 Hardship exemptions.

* * * * *

(b) *Continuing hardship exemption*—

(1) *Eligibility for exemption.* If you are a ''small business'' or ''small organization'' (as described in paragraph (b)(5) of this section), you may apply for a continuing hardship exemption.

The period of the exemption may be no longer than one year after the date on which you apply for the exemption.

* * * * *

(5) *Small business or small organization.* You are a ''small business'' or ''small organization'' for purposes of this section if you are required to answer Item 12 of Form ADV (17 CFR 279.1) and checked ''no'' to each question in Item 12 that you were required to answer.

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

■ 6. The authority citation for part 279 continues to read as follows:

Authority: The Investment Advisers Act of 1940, 15 U.S.C. 80b–1, *et seq.,* Pub. L. 111–203, 124 Stat. 1376.

* * * * *

■ 7. Amend Form ADV (referenced in § 279.1) by:

■ a. In the General Instructions, revising the second bullet point paragraph of Instruction 17 related to continuing hardship exemptions; and

■ b. In Part 1A, revising Item 12.

Note: Form ADV is attached as Appendix A to this document. The text of Form ADV does not, and this amendment will not, appear in the Code of Federal Regulations.

By the Commission.

Dated: January 7, 2026.

J. Matthew DeLesDernier,

Deputy Secretary.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix A

Form ADV (Paper Version)

Uniform Application for Investment Adviser Registration and Report by Exempt Reporting Advisers

Form ADV General Instructions

* * * * *

17. What if I am not able to file electronically?

If you are required to file electronically but cannot do so, you may be eligible for one of two types of hardship exemptions from the electronic filing requirements.

* * * * *

- A *continuing hardship exemption* may be granted if you are a small business or small organization and you can demonstrate that filing electronically would impose an undue hardship. You are a small business or small organization, and may be eligible for a continuing hardship exemption, if you are required to answer Item 12 of Part 1A *and* you are able to respond ''no'' to each question in Item 12. See SEC rule 0–7.

If you have been granted a continuing hardship exemption, you must complete and submit the paper version of Form ADV to FINRA. FINRA will enter your responses into the IARD. As discussed in General Instruction 16, FINRA will charge you a fee to reimburse it for the expense of data entry.

* * * * *

Part 1A

* * * * *

Item 12 Small Businesses

The SEC is required by the Regulatory Flexibility Act to consider the effect of its regulations on small entities. In order to do this, we need to determine whether you meet the definition of ''small business'' or ''small organization'' under rule 0–7. You are a ''small business'' or ''small organization'' under rule 0–7 if you have regulatory assets under management of less than $1 billion and you answer ''no'' to each question in A., B., and C. below. Each of these thresholds is updated every [TEN YEARS AFTER EFFECTIVE DATE OF FINAL RULE] for inflation in accordance with rule 0–7(c). The thresholds described in this item will be updated accordingly when the thresholds in rule 0–7 are inflation adjusted.

Answer this Item 12 only if you are registered or registering with the SEC *and* you indicated in response to Item 5.F.(2)(c) that you have regulatory assets under management of less than $1 billion. You are not required to answer this Item 12 if you are filing for initial registration as a state adviser, amending a current state registration, or switching from SEC to state registration.

For purposes of this Item 12 only:

- Total Assets refers to the total assets of a firm, rather than the assets managed on behalf of *clients.* In determining your or another *person's* total assets, you may use the total assets shown on a current balance sheet (but use total assets reported on a consolidated balance sheet with subsidiaries included, if that amount is larger).
- *Control* means the power to direct or cause the direction of the management or policies of a *person,* whether through ownership of securities, by contract, or otherwise. Any *person* that directly or indirectly has the right to vote 25 percent or more of the voting securities, or is entitled to 25 percent or more of the profits, of another *person* is presumed to *control* the other *person.*

	Yes	No
A. Did you have total assets of $5 million or more on the last day of your most recent fiscal year? If ''yes,'' you do not need to answer Items 12.B. and 12.C.	☐	☐

	Yes	No
B. Do you:		
(1) *control* another investment adviser that had regulatory assets under management (calculated in response to Item 5.F.(2)(c) of Form ADV) of $1 billion or more on the last day of its most recent fiscal year?	☐	☐
(2) *control* another *person* (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year?	☐	☐
C. Are you:		
(1) *controlled* by or under common *control* with another investment adviser that had regulatory assets under management (calculated in response to Item 5.F.(2)(c) of Form ADV) of $1 billion or more on the last day of its most recent fiscal year?	☐	☐
(2) *controlled* by or under common *control* with another *person* (other than a natural person) that had total assets of $5 million or more on the last day of its most recent fiscal year?	☐	☐

* * * * *

[FR Doc. 2026–00316 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

Notices

Federal Register
Vol. 91, No. 7
Monday, January 12, 2026

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request; Reinstatement

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by February 11, 2026 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *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. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: National Animal Health Monitoring System; Equine 2026 Study.

OMB Control Number: 0579–0269.

Summary of Collection: The agency is seeking a reinstatement of this OMB control number. Collection and dissemination of animal health information is mandated by 7 U.S.C. 8301, The Animal Health Protection Act of 2002. The Department of Agriculture is responsible for protecting the health of our Nation's livestock, poultry and farmed aquaculture populations by preventing the introduction and interstate spread of contagious, infectious, or communicable diseases in these populations and for eradicating such diseases from the United States when feasible. In connection with this mission, the Animal and Plant Health Inspection Service (APHIS) operates the National Animal Health Monitoring System (NAHMS), which collects, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of diseases of livestock, poultry and farmed aquaculture. As part of an ongoing series of NAHMS studies on the U.S. livestock population, NAHMS will conduct a national data collection for equids through a national study, the Equine 2026 Study.

Need and Use of the Information: Through the reinstatement of this information collection, APHIS will collect information using questionnaires and consent forms. The collected data will be used to: (1) establish national and regional estimates for equine health, biosecurity and management for owner/operator, veterinary, and industry references; (2) predict or detect national and regional trends in disease emergence and movement; (3) address emerging issues; (4) aid in disease preparedness; (5) provide estimates of both outcome (disease or other parameters) and exposure (risks and components) variables that can be used in analytic studies in the future by NAHMS ; (6) provide input into the design of surveillance systems for specific diseases; and (7) provide parameters for animal disease spread model.

Without the aforementioned data, the U.S.' ability to detect trends in equine management and health status, and the ability to use that information in preparedness and response to equine diseases would be reduced or nonexistent.

Description of Respondents: Business or other for-profit. State partners.

Number of Respondents: 6,545.

Frequency of Responses: Reporting: Other (one time).

Total Burden Hours: 10,225.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2026–00341 Filed 1–9–26; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Land Between the Lakes Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Land Between the Lakes Advisory Board will hold a public meeting according to the details shown below. The board is authorized under the Charter for the Land Between the Lakes Advisory Board and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the board is to advise the Secretary of Agriculture on means of promoting public participation for the land and resource management plan for the Recreation Area, environmental education, an annual work plan for recreation and environmental education areas in the Recreation Area. This includes the heritage program (with the non-appropriated amounts in the Land Between the Lakes Management Fund), an annual forest management and harvest plan for the Recreation Area and the Land Between the Lakes Management Fund.

DATES: An in person and virtual meeting will be held on February 11, 2026, 9 a.m. to 4 p.m., Central Time.

Written and Oral Comments: Anyone wishing to provide in-person or virtual oral comments must pre-register by 11:59 p.m., Central Time on February 6, 2026. Written public comments will be accepted by 11:59 p.m., Central Time on February 6, 2026. Comments submitted after this date will be provided to the Agency, but the Committee may not have adequate time to consider those comments prior to the meeting.

All Land Between the Lakes Advisory Board meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held at the Supervisor's Office, located at 100 Van Morgan Drive, Golden Pond, Kentucky 42211 and virtually via videoconference. Members of the public may participate in the meeting by joining virtually via videoconference at: Microsoft Teams/Meeting ID: 227 737 970 506 35, Passcode: Fb9KH2AR or Dial in by phone +1 (202) 650–0123, passcode# 245548548# United States, Washington; Phone conference ID: 245 548 548#. Committee information and meeting details can be found at the following website *https://www.landbetweenthelakes.us/about-lbl/welcome/working-together/advisory-board-meetings/* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *SM.FS.LBL_AdBoard@usda.gov* or via mail (postmarked) to Land Between the Lakes National Recreation Area, Christine Bombard, Board Coordinator, 100 Van Morgan Drive, Golden Pond, Kentucky 42211. The Forest Service strongly prefers comments to be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m., Central Time, February 6, 2026, and speakers can only register for one speaking slot. Oral comments must be sent by email to *SM.FS.LBL_AdBoard@usda.gov* or via mail (postmarked) to Land Between the Lakes National Recreation Area, Christine Bombard, Board Coordinator, 100 Van Morgan Drive, Golden Pond, Kentucky 42211.

FOR FURTHER INFORMATION CONTACT: Jim McCoy, Designated Federal Officer (DFO), by phone (870) 214–0934 or email *SM.FS.LBL_AdBoard@usda.gov* or Christine Bombard, Board Coordinator at (270) 540–1889 or email *SM.FS.LBL_AdBoard@usda.gov*.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Approve meeting minutes;
2. Discuss old business/updates;
3. Discuss recreation fee schedule;
4. Discuss natural resource management; and
5. Schedule the next meeting

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make a request in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Dated: January 7, 2026.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2026–00319 Filed 1–9–26; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New York Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the NEW YORK Advisory Committee to the Commission will hold a public meeting via Zoom. The purpose of the meeting is to discuss the committee's project proposal.

DATES: Thursday, January 22, 2026, at 11:00 a.m. Eastern Time.

ADDRESSES: The meeting will be held via Zoom.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_5zH2G95ESVmgy83eaG_AYw.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Webinar ID: 160 556 7393.

Agenda: https://usccr.box.com/s/l8pa4elkskan98fyqjcc50736l8dakq6 (note: a final meeting agenda will be available prior to the meeting date).

FOR FURTHER INFORMATION CONTACT: David Barreras, Designated Federal Officer at *dbarreras@usccr.gov,* or 202–656–8937.

SUPPLEMENTARY INFORMATION: This virtual committee meeting is available to the public through the registration link above. Any interested member of the public may join at the link to listen to this meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of people who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any charges incurred. Callers will incur no charge for calls when they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the Zoom meeting platform. To request additional accommodation, please email *dbarreras@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to *dbarreras@usccr.gov.* People who desire additional information may contact the Designated Federal Officer at (202) 656–8937.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website: *https://usccr.box.com/s/l8pa4elkskan98fyqjcc50736l8dakq6* as well as at: *www.facadatabase.gov* under the Commission on Civil Rights, selecting the Advisory Committee of interest. People interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the

Designated Federal Officer at 202–656–8937.

Dated: January 8, 2026.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2026–00375 Filed 1–9–26; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–5–2026]

Foreign-Trade Zone 7; Application for Subzone; Inmobiliaria G.G., LLC; Juncos, Puerto Rico

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Puerto Rico Industrial Development Company, grantee of FTZ 7, requesting subzone status for the facility of Inmobiliaria G.G., LLC, located in Juncos, Puerto Rico. 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 (5.36 acres) is located at PR–9934, Km. 0.2, Bo. Ceiba Sur, Juncos, Puerto Rico. No authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 7.

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 23, 2026. Rebuttal comments in response to material submitted during the foregoing period may be submitted through March 9, 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 8, 2026.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2026–00381 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (Sunset) Reviews; Correction

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published notice in the **Federal Register** of January 2, 2026, in which Commerce announced the initiation of Five-Year (Sunset) reviews. This notice inadvertently misidentified a case number and misspelled a country name.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3813.

SUPPLEMENTARY INFORMATION:

Background

On January 2, 2026, Commerce published in the **Federal Register** the, ''*Initiation of Five-Year (Sunset) Reviews.*'' [1] In this notice, we inadvertently misidentified a case number and misspelled a country name.

Correction

In the **Federal Register** of January 2, 2026, in FR Doc 2025–24163, on page 125, in the third column of the table, correct ''Columbia'' to ''Colombia,'' and on page 126, in the first column of the table, correct the commerce case number from ''A–571–806'' to ''A–517–806.''

Notification to Interested Parties

This notice is issued and published in accordance with section 751(c) of the Tariff Act of 1930, as amended, and 19 CFR 351.218(c).

Dated: January 6, 2026.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2026–00383 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (Sunset) Reviews,* 91 FR 125 (January 2, 2026).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–903]

Polyethylene Terephthalate Sheet From the Republic of Korea: Final Results of Sunset Review and Revocation of Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 1, 2025, the U.S. Department of Commerce (Commerce) initiated the first sunset review of the antidumping duty (AD) order on polyethylene terephthalate (PET) sheet from the Republic of Korea (Korea). Because no domestic party responded to the sunset review notice of initiation by the applicable deadline, consistent with section 751(c)(3)(A) of the Tarriff Act of 1930, as amended (the Act), Commerce is revoking the AD order on polyethylene terephthalate sheet from Korea.

DATES: Applicable January 12, 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, 2020, Commerce published the *Order* on PET sheet from Korea.[1] On August 1, 2025 Commerce initiated the first sunset review of the *Order* pursuant to section 751(c) of the Act.[2]

We did not receive a timely notice to participate in this sunset review from any domestic interested party, pursuant to 19 CFR 351.218(d)(1)(i). As a result, consistent with 19 CFR 351.218(d)(1)(iii)(B)(1), because Commerce ''did not receive a Notice of Intent to Participate from a domestic party in the sunset review of the {*Order*},'' Commerce notified the U.S. International Trade Commission (ITC) in writing pursuant to 19 CFR 315.218(d)(1)(iii)(B)(2).[3] Further, we did not receive a timely substantive

[1] *See Polyethylene Terephthalate Sheet from the Republic of Korea and the Sultanate of Oman: Antidumping Duty Orders,* 85 FR 55824, (September 10, 2020) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 90 FR 36139, dated August 1, 2025.

[3] *See* Commerce's Letter, ''Sunset Reviews Initiated on August 1, 2025,'' dated August 22, 2025.

response to the notice of initiation of this sunset review from any domestic party, and, pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(e)(1)(i)(C)(3), notified the ITC of our intent to revoke this *Order* ''not later than 90 days after the date of publication of the **Federal Register** notice of initiation.'' [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 final results is now January 6, 2026.

Scope of the Order

The merchandise covered by this *Order* is raw, pretreated, or primed polyethylene terephthalate sheet, whether extruded or coextruded, in nominal thicknesses of equal to or greater than 7 mil (0.007 inches or 177.8 mm) and not exceeding 45 mil (0.045 inches or 1143 mm) (PET sheet). The scope includes all PET sheet whether made from prime (virgin) inputs or recycled inputs, as well as any blends thereof. The scope includes all PET sheet meeting the above specifications regardless of width, color, surface treatment, coating, lamination, or other surface finish. The merchandise subject to this *Order* is properly classified under statistical reporting number 3920.62.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS statistical reporting number is provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Revocation

Pursuant to section 751(c)(3)(A) of the Act, ''{i}f no interested party responds to the notice of initiation . . . {Commerce} shall issue a final determination, within 90 days after the initiation of a review, revoking the order.'' Because no domestic interested parties responded to the notice of initiation in these segments of the proceeding, Commerce is revoking the *Order.*

Effective Date of Revocation

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.222(i)(2)(i), Commerce intends to instruct U.S. Customs and Border Protection to terminate the suspension of liquidation of the merchandise subject to this *Order* entered, or withdrawn from the warehouse, on or after September 10, 2025, the fifth anniversary of the date of publication of the *Order.*[7] Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD deposit requirements. Commerce may conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(c) and 777(i)(1) of the Act, and 19 CFR 351.218(d)(1)(iii)(B)(3) and 351.222(i)(1)(i).

Dated: January 6, 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.

[FR Doc. 2026–00384 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–714–001]

Phosphate Fertilizers From the Kingdom of Morocco: Notice of Court Decision Not in Harmony With the Results of Countervailing Duty Administrative Review; Notice of Amended Final Results

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 16, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *The Mosaic Company* v. *United States,* Consol. Court no. 23–00246, sustaining the U.S. Department of Commerce (Commerce)'s first remand results pertaining to the administrative review of the countervailing duty order on phosphate fertilizers from the Kingdom of Morocco (Morocco) covering the period November 30, 2020, through December 31, 2021. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the countervailable subsidy rate assigned to OCP S.A. (OCP).

DATES: Applicable December 26, 2025.

FOR FURTHER INFORMATION CONTACT: Faris Montgomery, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1537.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2023, Commerce published its *Final Results* in the 2020–2021 countervailing duty administrative review of phosphate fertilizers from Morocco.[1] Commerce determined that OCP, the sole mandatory respondent, received countervailable subsidies from the Government of Morocco (GOM) during the period of review (POR). Commerce calculated an overall net subsidy rate of 2.12 percent *ad valorem* for OCP during the POR.[2]

The Mosaic Company (the petitioner) and OCP appealed Commerce's *Final Results.* On April 1, 2025, the CIT remanded the *Final Results* to Commerce, stating that Commerce must reconsider its specificity determination as it relates to subsidies received by OCP from the GOM's tax fines and penalties reduction program.[3]

In its final remand redetermination, issued in July 2025, Commerce determined, under respectful protest, that the reduction in tax fines and penalties program was not specific, and therefore not countervailable.[4] Based on this analysis, Commerce calculated a

[4] *See* Commerce's Letter, ''Sunset Review Initiated on August 1, 2025,'' dated September 11, 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 Order.*

[1] *See Phosphate Fertilizers from the Kingdom of Morocco: Final Results of Countervailing Duty Administrative Review; 2020–2021,* 88 FR 76726 (November 7, 2023) (*Final Results),* and accompanying Issues and Decision Memorandum (IDM).

[2] *Id.*

[3] *See The Mosaic Company* v. *United States,* Slip Op. 25–34 (CIT April 1, 2025), at 40.

[4] *See Final Results of Redetermination Pursuant to Court Remand, The Mosaic Company* v. *United States,* Consol. Court No. 23–00246, Slip Op. 25–34, dated July 7, 2025 (*Final Remand Redetermination*), at 4, available at *https://access.trade.gov/public/FinalRemandRedetermination.aspx; see also Viraj Grp., Ltd.* v. *United States,* 343 F.3d 1371, 1376 (Fed. Cir. 2003).

revised 2.11 percent total *ad valorem* subsidy rate for OCP.[5] The CIT sustained Commerce's final redetermination.[6]

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's December 16, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to OCP as follows:

Company	Subsidy rate in Final Results[9] (percent *ad valorem*)	Subsidy rate in Final Remand Redetermination[10] (percent *ad valorem*)
OCP S.A.[11]	2.12	2.11

Cash Deposit Requirements

Because OCP has a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP).[12] This notice will not affect the current cash deposit rate for OCP.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and/or exported by OCP, Jorf I, Jorf II, Jorf III, Jorf IV, or Jorf V, and were entered, or withdrawn from warehouse, for consumption during the period November 30, 2020, through December 31, 2021. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess countervailing duties on unliquidated entries of subject merchandise produced and/or exported by OCP, Jorf I, Jorf II, Jorf III, Jorf IV, or Jorf V, in accordance with 19 CFR 351.212(b). We will instruct CBP to assess countervailing duties on all appropriate entries covered by this review when the *ad valorem* rate is not zero or *de minimis.* Where an *ad valorem* subsidy rate is zero or *de minimis,*[13] we will instruct CBP to liquidate the appropriate entries without regard to countervailing duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e) and 777(i)(1) of the Act.

Dated: January 7, 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.

[FR Doc. 2026–00385 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) Visiting Committee on Advanced Technology (VCAT or Committee) will meet on Wednesday, February 11, 2026, from 10:00 a.m. to 4:00 p.m. Eastern Time, and Thursday, February 12, 2026, from 10:00 a.m. to 4:00 p.m. Eastern Time.

DATES: The VCAT will meet on Wednesday, February 11, 2026, from 10:00 a.m. to 4:00 p.m. Eastern Time, and Thursday, February 12, 2026, from 10:00 a.m. to 4:00 p.m. Eastern Time.

ADDRESSES: The meeting will be a virtual meeting via a virtual meeting platform. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Stephanie Shaw, VCAT, NIST, 100 Bureau Drive, Mail Stop 1060, Gaithersburg, Maryland 20899–1060, telephone number 240–446–6000. Ms. Shaw's email address is *stephanie.shaw@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278 and the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.*

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.,* notice is hereby given that the VCAT will meet on the dates and at the times given in the **DATES** section. The meeting will be open to the public. The VCAT is composed of not fewer than nine members appointed by the NIST Director and selected to provide representation of a cross-section of the traditional and emerging United States industries. The primary purpose of this meeting is for the VCAT to review and make recommendations regarding general policy for NIST, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include an update on major programs at NIST, strategic priorities, safety, cybersecurity,

[5] *See Final Remand Redetermination* at 7–8.

[6] *See The Mosaic Company* v. *United States,* Slip Op. 25–155 (CIT December 16, 2025), at 13.

[7] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[8] *See Diamond Sawblades Manufacturers Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[9] *See Final Results,* 88 FR at 76726.

[10] *See Final Remand Redetermination* at 8.

[11] As stated in the *Final Results,* Commerce found the following companies to be cross-owned with OCP S.A.: Jorf Fertilizers Company I (Jorf I); Jorf Fertilizers Company II (Jorf II); Jorf Fertilizers Company III (Jorf III); Jorf Fertilizers Company IV (Jorf IV); and Jorf Fertilizers Company V (Jorf V). *See Final Results,* 88 FR at 76726. In addition, Commerce determined that Maroc Phosphore ceased to exist as an independent entity on the first day of the average useful life period. Accordingly, Commerce did not consider Maroc Phosphore to be a separate reporting entity. *See Final Results* IDM at Comment 4.

[12] *See Phosphate Fertilizers from the Kingdom of Morocco: Notice of Amended Final Results of Countervailing Duty Administrative Review; 2022,* 89 FR 104979 (December 26, 2024).

[13] *See* 19 CFR 351.106(c)(2).

communication, and budget. The Committee will also work on its initial observations, findings, and recommendations for the 2025 VCAT Annual Report. The agenda is subject to change if needed to accommodate Committee business. The final agenda will be posted on the NIST website at *https://www.nist.gov/director/vcat/agenda-minutes.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's business are invited to request a place on the agenda by no later than 5:00 p.m. Eastern Time, Tuesday, February 3, 2026, by contacting Stephanie Shaw at *stephanie.shaw@nist.gov.* Approximately one-half hour will be reserved for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received but is likely to be about 3 minutes each. The exact time and date for public comments will be included in the final agenda that will be posted on the NIST website at *https://www.nist.gov/director/vcat/agenda-minutes.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to Stephanie Shaw at *stephanie.shaw@nist.gov.*

All participants, including NIST staff, will be attending via a virtual meeting platform and must contact Ms. Shaw at *stephanie.shaw@nist.gov* by 5:00 p.m. eastern time, Wednesday January 28, 2026, for detailed instructions on how to join the meeting via a virtual meeting platform.

Alicia Chambers,

NIST Executive Secretariat.

[FR Doc. 2026–00355 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF404]

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Highly Migratory Species; Notice

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; permit application period opening.

SUMMARY: NMFS announces the opening of the 2026 permit application period for initial issuance of limited entry deep-set buoy gear permits under qualification Tier 9. Authorized through implementation of Amendment 6 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and its implementing regulations, Tier 9 was established as the final tier in a ranking system for issuance of limited entry deep-set buoy gear permits. Tier 9 permits for deep-set buoy gear will be available through the National Permits System.

DATES: The 2026 application period for initial issuance of deep-set buoy gear permits issued under Tier 9 is February 1 to March 31, 2026.

ADDRESSES:

Electronic Access

This notice is accessible via the internet at the Office of the Federal Register website at *https://www.federalregister.gov.* Background information on Amendment 6 to the HMS FMP and supporting documents are available at the NOAA Fisheries West Coast Region website: *https://www.fisheries.noaa.gov/region/west-coast.*

FOR FURTHER INFORMATION CONTACT: Karen Palmigiano, West Coast Region Permits and Monitoring Branch *wcr-permits@noaa.gov* or (562) 980–4238.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan (FMP) for U.S. West Coast Fisheries for Highly Migratory Species (HMS) and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subpart K, regulate commercial and recreational fishing for HMS in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California and in adjacent high seas waters. NMFS published Amendment 6 and its implementing regulations on May 8, 2023 (88 FR 29545). Amendment 6 authorizes deep-set buoy gear (DSBG) as an additional gear type for catching swordfish and other HMS in Federal waters off of California and Oregon. The Pacific Fishery Management Council recommended that NOAA Fisheries authorize DSBG as an additional commercial gear type to improve the economic viability of the West Coast-based swordfish fishery while minimizing bycatch to the extent practicable. The regulations also established a limited entry (LE) regime for ''phased-in'' permitting of DSBG fishing within Federal waters of the Southern California Bight (see 50 CFR 660.707(g)). Tier 9 is the final phase of that LE permit regime.

Tier 9 Permits

As required by the regulations at § 660.707(g)(12), once the list of initial approved qualifiers for Tiers 1 through 8 was exhausted in 2024, NMFS began accepting applications under Tier 9 in Spring 2025. NMFS will continue to accept new applications for Tier 9 permits on an annual basis and issue up to 25 permits per year until a total of 300 LE DSBG permits are issued, unless NMFS determines that the maximum number of permits should be fewer than 300 and publishes a subsequent rulemaking. Additionally, as required by regulations, NMFS must annually announce the opening of Tier 9 in the **Federal Register**. This notice serves as that announcement.

Therefore, beginning on February 1, 2026, and ending on March 31, 2026, NMFS will accept new applications for initial issuance of LE DSBG permits under Tier 9. Applicants for Tier 9 permits who submitted applications in previous years and have yet to receive a permit do not need to resubmit their applications. To qualify for a LE DSBG permit under Tier 9 an applicant must be a ''person'' as defined at § 660.702 and must not already own a LE DSBG permit either individually or as a shareholder in a business which owns a LE DSBG permit. The process for initial issuance of LE DSBG permits to applicants that qualify under Tier 9, which can be found in § 660.707(g)(12), is summarized below.

To apply for a LE DSBG permit under Tier 9, a person must submit a complete application to NMFS through the National Permits System website no later than 11:59 p.m. Pacific daylight time on March 31, 2026. A complete initial issuance application package consists of the following: a completed initial issuance application form, which may include ownership interest for businesses, and as required under § 660.707(g)(3)(ii); a current copy of the United States Coast Guard Documentation Form or state registration form for the vessel that will be registered to the permit; and payment of required fees. NMFS may require additional documentation as it deems necessary to make a determination on the application. The initial issuance application package will be considered incomplete until the required information is submitted. NMFS will

decline to act on an incomplete application.

NMFS will issue LE DSBG permits to approved applicants under Tier 9 on a first come, first served basis, according to the date and time that their application was submitted through the National Permits System. NMFS will issue up to 25 permits each year. If NMFS approves more than 25 applications in a single year, the approved applicants above 25 will receive priority for permit issuance the following year according to the date and time that their complete applications were received.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: January 8, 2026.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–00356 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF469]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of hybrid conference; meetings of the North Pacific Fishery Management Council and its advisory committees.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will meet February 2, 2026, through February 11, 2026.

DATES: The Council's Scientific and Statistical Committee (SSC) will begin at 8 a.m. on Monday, February 2, 2026, and continue through Wednesday, February 4, 2026. The Council's Advisory Panel (AP) will begin at 8 a.m. on Monday, February 2, 2026, and continue through Saturday, February 7, 2026. The Council will begin at 8 a.m. on Thursday, February 5, 2026, and continue through Wednesday, February 11, 2026. All listed times are Alaska Time.

ADDRESSES: The meetings will be a hybrid conference. The in-person component of the meeting will be held at the Egan Center, 555 W 5th Ave., Anchorage, AK 99501, or join the meeting online through the links at *https://www.npfmc.org/current-or-next-council-meeting.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave, Suite 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via web conference are given under **FOR FURTHER INFORMATION CONTACT**, below.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; email: *devans@npfmc.org;* telephone: (907) 271–2809. For technical support please contact our Council administrative staff, email: *support@npfmc.org.*

SUPPLEMENTARY INFORMATION:

Agenda

Monday, February 2, 2026, Through Wednesday, February 4, 2026

The SSC agenda will include the following issues:

(1) Administrative Issues
(2) Review Gulf of Alaska (GOA) Pacific Cod Assessment, Recommend Over Fishing Limit (OFL)/Acceptable Biological Catch (ABC)/Total Allowable Catch (TAC)
(3) Alaska Fisheries Science Center (AFSC) Report on National Prioritization (Council reviewed in December 2025)
(4) Planning for 2026 Groundfish Stock Assessment Cycle
(5) Review Cook Inlet Salmon Stock Assessment and Fishery Evaluation (SAFE) Report, Recommend Over Fishing Limit (OFL)/Acceptable Biological Catch (ABC)/Total Allowable Catch (TAC)
(6) Essential Fish Habitat (EFH) 5-Year Review Workplan (Council reviewed in December 2025)
(7) Progress on Developing Alternative Harvest Control Rules (HCRs)—Review Workshop, Plan Team Reports

The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/3117* prior to the meeting, along with meeting materials.

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Council's primary peer review panel for scientific information, as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (July 19, 2013, 78 FR 43066). The peer-review process is also deemed to satisfy the requirements of the Information Quality Act, including the OMB Peer Review Bulletin guidelines.

Monday, February 2, 2026, Through Saturday, February 7, 2026

The Advisory Panel agenda will include the following issues:

(1) Administrative Issues
(2) Chum Salmon Bycatch—Final action
(3) Staff Tasking

Thursday, February 5, 2026, Through Wednesday, February 11, 2026

The Council agenda will include the following issues. The Council may take appropriate action on any of the issues identified.

(1) Administrative Issues
(2) Reports: Executive Director, NMFS Management Report, NOAA General Counsel (GC), Alaska Fisheries Science Center (AFSC), Alaska Department of Fish and Game (ADF&G), United States Coast Guard (USCG), United States Fish and Wildlife Service (USFWS), International Pacific Halibut Commission (IPHC), North Pacific Research Board (NPRB), Scientific and Statistical Committee (SSC) Report, Advisory Panel (AP) Report
(3) GOA Pacific cod—Review Assessment, Recommend OFL/ABC/TAC
(4) Chum Salmon Bycatch—Final action
(5) Cook Inlet Salmon—Review Assessments and Analysis, Recommend OFL/ABC/TAC
(6) Staff Tasking

The agenda is subject to change, and the latest version will be posted at *https://meetings.npfmc.org/Meeting/Details/3116* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: *https://www.npfmc.org/upcoming-council-meetings.* For technical support please contact our administrative staff, email: *support@npfmc.org.*

Public Comment

Public comment letters will be accepted and should be submitted electronically through the links at *https://www.npfmc.org/current-or-next-council-meeting/.* The Council strongly encourages written public comment for this meeting, to avoid any potential for technical difficulties to compromise oral testimony. The written comment period is open from December 12, 2025, and closes at 12 p.m. Alaska Time on Friday, January 30, 2026.

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: January 8, 2026.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2026–00393 Filed 1–9–26; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER FINANCIAL PROTECTION BUREAU

Withdrawal of Joint Statement on the Equal Credit Opportunity Act and Noncitizen Borrowers

AGENCY: Consumer Financial Protection Bureau.

ACTION: Notice of withdrawal.

SUMMARY: The Consumer Financial Protection Bureau (Bureau) and Department of Justice (DOJ) are withdrawing a joint statement issued in October 2023 regarding the implications of a creditor's consideration of an individual's immigration status under the Equal Credit Opportunity Act (ECOA).

DATES: The statement published on October 18, 2023, at 88 FR 71845, is withdrawn as of January 12, 2026.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: The Consumer Financial Protection Bureau (Bureau) and Department of Justice (DOJ), (collectively, the agencies) are charged with enforcing the antidiscrimination provisions of the Equal Credit Opportunity Act (ECOA).[1] ECOA prohibits discrimination by a creditor in any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex, marital status, age, an applicant's receipt of public assistance, or the good faith exercise of an applicant's rights under the Consumer Credit Protection Act. 15 U.S.C. 1691. On October 12, 2023, the agencies published a joint statement (the joint statement) cautioning that creditor policies related to an applicant's immigration or citizenship status could, in certain circumstances, run afoul of ECOA's and Regulation B's prohibition of discrimination on the basis of protected classes, including race and national origin.[2] The agencies now hereby withdraw the joint statement for the following reasons.[3]

The joint statement did not purport to interpret ECOA or Regulation B, which generally permit creditors to consider immigration or citizenship status. The joint statement further acknowledged that Regulation B expressly permits consideration of immigration or citizenship status for certain purposes. However, by focusing primarily on risks that could arise if such consideration were used to discriminate on a protected basis, the joint statement may have created the impression that either ECOA or the statement itself imposes limitations on the consideration of immigration or citizenship status when evaluating an application for credit. No such limitation exists, and this withdrawal is intended to correct any such misimpression.

Separately, as announced in the Bureau's guidance withdrawal notification published in the **Federal Register** on May 12, 2025, which withdrew various guidance documents issued by the Bureau since 2011, the Bureau has revised its policies regarding the issuance of guidance documents.[4] Under the revised policy, the Bureau avoids issuing guidance that is not necessary or would increase compliance burdens. The Bureau concludes that additional guidance on this topic beyond what Regulation B provides is unnecessary and, to the extent that the joint statement was understood to require new or increased compliance efforts, it is appropriate for recission under the Bureau's revised policy.

I. ECOA and Regulation B

Nothing in ECOA or Regulation B prohibits the consideration of an applicant's immigration or citizen status. To the contrary, Regulation B permits the consideration of ''any information obtained, so long as the information is not used to discriminate against an applicant on a prohibited basis.'' 12 CFR 1002.6(a). More specifically, it states that ''[a] creditor may take the applicant's immigration status into account,'' 12 CFR part 1002, supp I. ¶ 2(z)–2, and ''may consider the applicant's immigration status or status as a permanent resident of the United States, and any additional information that may be necessary to ascertain the creditor's rights and remedies regarding repayment.'' 12 CFR 1002.6(b)(7). The joint statement's exclusive emphasis on the risks of such consideration, however, may have created the misimpression that ECOA or Regulation B prohibit or otherwise limit the consideration of immigration or citizenship status by a creditor evaluating an application for credit.

Not only would such a limitation be inconsistent with Regulation B, but the illustrative scenarios described in the joint statement may also create confusion as to how creditors may consider immigration status while managing credit and compliance risks. For example, the joint statement posited a practice in which considering how long a credit applicant had a Social Security Number could be used as a proxy for the applicant's national origin or race, which would then be prohibited discrimination. This example may have been perceived as discouraging the collection and assessment of such identifying information when in fact it can be important to a creditor's compliance with anti-money laundering or Know Your Customer requirements.[5]

[1] The Bureau enforces ECOA with respect to any person subject to ECOA's coverage, with limited exclusions under the Consumer Financial Protection Act. 15 U.S.C. 1691c(a)(9). DOJ enforces ECOA where there is evidence of a ''pattern or practice'' of discrimination. 15 U.S.C. 1691e(h).

[2] A notice of the statement was also published in the **Federal Register**. 88 FR 71845 (Oct. 18, 2023).

[3] This notice is issued under the Bureau's authority to provide guidance regarding ECOA and Regulation B, including under section 1022(b)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act. This notice does not have the force or effect of law, and it has no legally binding effect, including on persons or entities outside the Federal government.

[4] 90 FR 20084 (May 12, 2025).

[5] *See, e.g.,* 31 U.S.C. 5318(l) (directing the Secretary of the Treasury to promulgate regulations defining bank customer identification requirements); 31 CFR 1020.220(a) (providing customer identification requirements).

Similarly, the joint statement suggests that applying a blanket underwriting policy for certain groups of non-citizens may constitute discrimination in violation of ECOA if not strictly necessary for assessing the creditor's ability to obtain repayment or meet legal obligations. This example could be read as positing a bright-line, one-size-fits-all approach to underwriting noncitizens as necessary for ECOA compliance. There is no such requirement in ECOA or Regulation B, and focusing exclusively on compliance risks ignores that creditors may legitimately use additional information in particular circumstances to fully assess underwriting risks related to providing credit to those without lawful status or who are otherwise unauthorized to work in the United States. A credit applicant's immigration or citizenship status may present underwriting risks that typical assessments of financial capacity alone will not fully resolve. As Regulation B acknowledges, this is something creditors may legitimately consider. To the extent the joint statement suggested, or could be read to suggest, that the practices it describes are presumptively discriminatory in violation of ECOA, such a presumption would not be supported by ECOA or Regulation B.

The joint statement further assessed the interaction between 42 U.S.C. 1981 (section 1981) and ECOA. While the joint statement described how courts have approached the interaction between Regulation B and credit discrimination claims under section 1981 based on citizenship or alienage, the agencies did not purport to interpret the scope of liability under section 1981, nor do they purport to do so now. The agencies' withdrawal of the joint statement serves to address any misimpression that the joint statement has interpreted section 1981 to confer any liability under the statute that has not already been recognized by courts.

II. Other Considerations

While the Bureau has authority to issue guidance regarding the statutes and regulations it administers, the Bureau has determined that the joint statement is not consistent with its revised policy on the issuance of guidance. As described in its May 2025 guidance withdrawal notification, the Bureau's revised policy is to issue guidance only where necessary and where doing so would reduce compliance burdens. Given that it is the responsibility of Congress and the President in the legislative process to define or expand the contours of civil rights protections, the agencies have determined that the joint statement is not necessary. Additionally, the joint statement does not mitigate any unnecessary compliance burdens. Therefore, having completed its review, the agencies have determined that the joint statement does not meet the Bureau's current standards for the issuance of guidance.

Finally, consistent with its May 2025 guidance withdrawal notification, the agencies do not believe that reliance interests compel the retention of the joint statement. Parties understand that such statements are non-binding. Creditors who have structured their operations consistent with the joint statement's comments on compliance risks can continue to operate in that manner without penalty and, given that the joint statement was non-binding on the public or courts, consumers' rights under ECOA are unchanged.[6]

For these reasons, the agencies are exercising their discretion to withdraw the October 12, 2023, notice titled: *Joint Statement on Fair Lending and Credit Opportunities for Noncitizen Borrowers Under the Equal Credit Opportunity Act.*

III. Regulatory Matters

The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) has determined that this action is a ''significant regulatory action'' under E.O. 12866, as amended.

Pursuant to the Congressional Review Act, the Bureau will submit a report containing this notice of withdrawal and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States. OMB has designated this notice of withdrawal as not a ''major rule'' as defined by 5 U.S.C. 804(2).

Russell Vought,

Acting Director, Consumer Financial Protection Bureau.

[FR Doc. 2026–00328 Filed 1–9–26; 8:45 am]

BILLING CODE 4810–AM–P

[6] Although ECOA section 706(e), 15 U.S.C. 1691e(e), provides that no provision of ECOA imposing any liability applies to any act done or omitted in good faith in conformity with any Bureau rule, regulation, or interpretation, the joint statement was not any such rule or interpretation and therefore did not shield any creditor conduct from liability. The withdrawal of that statement likewise does not subject regulated entities to new liability, create rights or obligations from which legal consequences flow, or implicate reliance interests sufficient to justify retaining the joint statement.

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Federal Advisory Committee Meeting; Correction

AGENCY: Board of Visitors of the U.S. Air Force Academy (BoV AFA), Department of the Air Force.

ACTION: Notice of Federal advisory committee meeting; correction.

SUMMARY: The Department of Defense (DoD) published a notice in the **Federal Register** of January 8, 2026, announcing that the following Federal advisory committee meeting of the Board of Visitors of the U.S. Air Force Academy (BoV AFA) will take place. The document contained incorrect times.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of January 7, 2026, in FR Doc. 2026–00135, Docket Number 2026–00135, page 703, in the third column, fourth paragraph, correct the **DATES** caption to read:

DATES: The meeting is open to the public Thursday, February 5, 2026, from approximately 1:30 p.m. to 4:30 p.m. (Eastern Time). Those wishing to attend in person are requested to submit their name, affiliation, and phone number to *USAFA.HQ.BOV@us.af.mil* by January 30, 2026. The meeting will be handicap accessible. Seating is available on a first come, first served basis.

Dated January 8, 2026.

Crystle C. Poge,

Air Force Federal Register Liaison Officer.

[FR Doc. 2026–00317 Filed 1–9–26; 8:45 am]

BILLING CODE 3911–44–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–28]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of

Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–28 and Policy Justification.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

April 14, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-28, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Israel for defense articles and services estimated to cost $180 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 25–28

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

(i) *Prospective Purchaser:* Government of Israel

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$180 million
TOTAL	$180 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case IS–B–ZMU was below congressional notification threshold at $85.5 million ($0 in MDE) and included Eitan 8V199TE21–D powerpack engines and engine components; United States (U.S.) Government and contractor technical assistance; contractor non-recurring engineering; and other related elements of logistics and program support. The Government of Israel has requested that the case be amended to include additional 8V199TE21–D powerpack engines and engine components. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment:

The following non-MDE items will be included: Eitan 8V199TE21–D powerpack engines and engine components; U.S. Government and contractor technical assistance; contractor non-recurring engineering; and other related elements of logistics and program support.

(iv) *Military Department:* Army (IS–B–ZMU)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 14, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Israel—Eitan Powerpack Engines

The Government of Israel has requested to buy additional Eitan 8V199TE21–D powerpack engines and engine components that will be added to a previously implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at $85.5 million ($0 in MDE), included Eitan 8V199TE21–D powerpack engines and engine components; U.S. Government and contractor technical assistance; contractor non-recurring engineering; and other related elements of logistics and program support. This notification is for a combined notification of non-MDE Eitan 8V199TE21–D powerpack engines and engine components; U.S. Government and contractor technical assistance; contractor non-recurring engineering; and other related elements of logistics and program support. The estimated total cost is $180 million.

The U.S. is committed to the security of Israel, and it is vital to U.S. national interests to assist Israel to develop and maintain a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will enhance Israel's capability to meet current and future threats by improving its ability to defend Israel's borders, vital infrastructure, and population centers. This proposed sale will increase the interoperability with U.S. forces and conveys U.S. commitment to Israel's security and armed forces modernization. Israel will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Rolls-Royce Solutions America, Inc., located in Novi, MI. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Israel.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–00312 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–20]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–20, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

DEC 2 0 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-20, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Morocco for defense articles and services estimated to cost $88.37 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 24–20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Morocco

(ii) *Total Estimated Value:*

Major Defense Equipment *	$69.13 million
Other	$19.24 million
TOTAL	$88.37 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Up to thirty (30) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)
One (1) AIM–120C–8 AMRAAM Guidance Section

Non-MDE:
Also included are AMRAAM telemetry kits, control section spares, and containers; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); ADU–891 Computer Test Set Adapter Groups; munitions support and support equipment; classified software delivery and support; spare parts, consumables, accessories, and repair and return support; transportation support; classified publications and technical documentation; studies and surveys; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (MO–D–YAC)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Morocco—Advanced Medium Range Air-to-Air Missiles

The Kingdom of Morocco has requested to buy up to thirty (30) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and one (1) AIM–120C–8 AMRAAM guidance section. Also included are AMRAAM telemetry kits, control section spares, and containers; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE); ADU–891 Computer Test Set Adapter Groups; munitions support and support equipment; classified software delivery and support; spare parts, consumables, accessories, and repair and return support; transportation support; classified publications and technical documentation; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $88.37 million.

This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of a major non-NATO Ally that continues to be an important force for political stability and economic progress in North Africa.

The proposed sale will improve the Kingdom of Morocco's capability to meet current and future threats by ensuring it has modern, capable air-to-air munitions to meet its mission in securing its borders and territorial waters, countering terrorism and illicit trafficking, and using its newly acquired F–16 Block 72 fleet. The Kingdom of Morocco will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be RTX Corporation located in Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Kingdom of Morocco.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–120C–8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down and shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high-flying and low-flying and maneuvering targets.

2. Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is supporting equipment used to interface with weapon systems to initiate and report BIT results and to upload and download flight software.

3. The ADU–891 Adapter Group Test Set provides the physical and electrical interface between the CMBRE and the missile.

4. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that the Kingdom of Morocco can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Morocco.

[FR Doc. 2026–00365 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–129]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–129 and Policy Justification.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

APR 03 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-129, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $400 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 24–129

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$400 million
TOTAL	$400 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Kuwait has requested to buy equipment and services required to upgrade and recertify PATRIOT PAC–2 Guidance Enhancement Missiles (GEM) and recertify PATRIOT Guidance Enhancement Missiles-Tactical (GEM–T).

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:
The following non-MDE items will be included: sustainment maintenance; special tools, support, and test equipment; repair parts; modification kits; common tools; shop equipment and fixtures; material handling equipment; test support; stockpile reliability testing and inspection; repair and return support; spare parts; training; replacement materials; support from field service representatives, technicians, mechanics, and other support personnel; and other related elements of logistics and program support.

(iv) *Military Department:* Army (KU–B–UYR)

(v) *Prior Related Cases, if any:* KU–B–UJO, KU–B–UKD, KU–B–UKI, KU–B–ULC, KU–B–ULD, KU–B–ULL, KU–B–ULS, KU–B–ULU

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 3, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Upgrade and Recertification of PATRIOT Missiles

The Government of Kuwait has requested to buy equipment and services required to upgrade and recertify PATRIOT PAC–2 Guidance Enhancement Missiles (GEM) and recertify PATRIOT Guidance Enhancement Missiles-Tactical (GEM–T). The following non-MDE items will be included: sustainment maintenance; special tools, support, and test equipment; repair parts; modification kits; common tools; shop equipment and fixtures; material handling equipment; test support; stockpile

reliability testing and inspection; repair and return support; spare parts; training; replacement materials; support from field service representatives, technicians, mechanics, and other support personnel; and other related elements of logistics and program support. The estimated total cost is $400 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major non-NATO ally that is a force for political stability and economic progress in the Middle East.

The proposed sale will improve Kuwait's capability to meet current and future threats by assisting in maintaining higher levels of operational readiness while meeting its modernization and professionalization plans. Kuwait will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Letterkenny, PA. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of 5 to 8 additional U.S. Government or U.S. contractor representatives to travel to Kuwait periodically over a 15-to-20-year period to assist with maintenance and sustainment operations.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–00304 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–16]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–16, Policy Justification, and Sensitivity of Technology.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

MAR 2 6 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-16, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Qatar for defense articles and services estimated to cost $1.96 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 25–16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Qatar

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0.34 billion
Other	$1.62 billion
TOTAL	$1.96 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Eight (8) MQ–9B Remotely Piloted Aircraft (RPA)
Two hundred (200) KMU–572 Joint Direct Attack Munition (JDAM) tail kits for Guided Bomb Unit (GBU)-38 or Laser JDAM GBU–54
Three hundred (300) BLU–111 500-lb general purpose bombs
One hundred (100) MXU–650 air foil groups (AFG) for Paveway II GBU–12
One hundred (100) MAU–169 computer control groups (CCG) for Paveway II GBU–12
Twenty-eight (28) Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) security devices with M-Code
Twelve (12) EGI security devices with Selective Availability Anti-Spoofing Modules (SAASM)
Ten (10) Lynx AN/APY–8 Synthetic Aperture Radars (SAR)
Ten (10) L3 Rio Grande communications intelligence (COMINT) sensor suites

One hundred ten (110) AGM–114R2 Hellfire II missiles
Eight (8) M36E9 Hellfire Captive Air Training Missiles (CATM)
Non-Major Defense Equipment:
The following non-MDE items will also be included: Honeywell TPE–331 turboprop engines; Certifiable Ground Control Stations (CGCS); FMU–139D/B fuze systems; DSU–38 laser illuminated target detectors for GBU–54; KY–100M narrowband/wideband terminals; AN/PYQ–10 Simple Key Loaders (SKLs); Keying Identification Verification (KIV)-77 Mode 5 Identification Friend or Foe (IFF) cryptographic appliques; Intrusion Prevention System (IPS)-250X High Assurance internet Protocol Encryptor (HAIPE) Type 1 cryptographic communications security (COMSEC) devices; Cryptographic Core Modernization (CCM)-700A Type 1 COMSEC chips; AN/DPX–7 IFF transponders; Link-16 KOR–24A Small Tactical Terminals (STTs); Semi-Automatic Ground Environment (SAGE) Electronic Surveillance Measure systems; AE–4500 Electronic Support Measure; Compact Multi-band Data Link (CMDL); Remotely Operated Video Enhanced Receiver (ROVER) 6Si compatible systems; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) Plus Block II; Mayflower Multi-Platform Anti-Jam GPS Navigation Antennas (MAGNA)-I, AS–4841; imaging systems; Electro-Optical/Infrared (E.O./IR) Multi-Spectrum Targeting System (MTS); Active Electronically Scanned Array (AESA) radars (SeaSpray 7500 maritime radars); Due Regard Radar (DRR); Automatic Information System (AIS) transponders; Rohde & Schwartz Ultra High Frequency (UHF)/Very High Frequency (VHF) radios; satellite communications (SATCOM) ground station antennas, modems, and terminals with Unifi Security Gateway (USG) encryption; Ku-Band SATCOM GA–ASI Transportable Earth Stations (GATES); secure SATCOM systems; DSU–33D/B bomb components; M299 Longbow Hellfire launchers; weapons loading equipment; spare and repair parts, consumables and accessories, and repair and return support; weapons integration; support and test equipment; facilities and construction support; publications and technical documentation; personnel training and training equipment; transportation and airlift support; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (QA–D–SAA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* March 26, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Qatar—MQ–9B Remotely Piloted Aircraft

The Government of Qatar has requested to buy eight (8) MQ–9B Remotely Piloted Aircraft (RPA); two hundred (200) KMU–572 Joint Direct Attack Munition (JDAM) tail kits for Guided Bomb Unit (GBU)-38 or Laser JDAM GBU–54; three hundred (300) BLU–111 500-lb general purpose bombs; one hundred (100) MXU–650 air foil groups (AFG) for Paveway II GBU–12; one hundred (100) MAU–169 computer control groups (CCG) for Paveway II GBU–12; twenty-eight (28) Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) security devices with M-Code; twelve (12) EGI security devices with Selective Availability Anti-Spoofing Modules (SAASM); ten (10) Lynx AN/APY–8 Synthetic Aperture Radars (SAR); ten (10) L3 Rio Grande communications intelligence (COMINT) sensor suites; one hundred ten (110) AGM–114R2 Hellfire II missiles; and eight (8) M36E9 Hellfire Captive Air Training Missiles (CATM). The following non-MDE items will also be included: Honeywell TPE–331 turboprop engines; Certifiable Ground Control Stations (CGCS); FMU–139D/B fuze systems; DSU–38 laser illuminated target detectors for GBU–54; KY–100M narrowband/wideband terminals; AN/PYQ–10 Simple Key Loaders (SKLs); Keying Identification Verification (KIV)-77 Mode 5 Identification Friend or Foe (IFF) cryptographic appliques; Intrusion Prevention System (IPS)-250X High Assurance internet Protocol Encryptor (HAIPE) Type 1 cryptographic communications security (COMSEC) devices; Cryptographic Core Modernization (CCM)-700A Type 1 COMSEC chips; AN/DPX–7 IFF transponders; Link-16 KOR–24A Small Tactical Terminals (STTs); Semi-Automatic Ground Environment (SAGE) Electronic Surveillance Measure systems; AE–4500 Electronic Support Measure; Compact Multi-band Data Link (CMDL); Remotely Operated Video Enhanced Receiver (ROVER) 6Si compatible systems; Common Munitions Built-in-Test Reprogramming Equipment (CMBRE) Plus Block II; Mayflower Multi-Platform Anti-Jam GPS Navigation Antennas (MAGNA)-I, AS–4841; imaging systems; Electro-Optical/Infrared (E.O./IR) Multi-Spectrum Targeting System (MTS); Active Electronically Scanned Array (AESA) radars (SeaSpray 7500 maritime radars); Due Regard Radar (DRR); Automatic Information System (AIS) transponders; Rohde & Schwartz Ultra High Frequency (UHF)/Very High Frequency (VHF) radios; satellite communications (SATCOM) ground station antennas, modems, and terminals with Unifi Security Gateway (USG) encryption; Ku-Band SATCOM GA–ASI Transportable Earth Stations (GATES); secure SATCOM systems; DSU–33D/B bomb components; M299 Longbow Hellfire launchers; weapons loading equipment; spare and repair parts, consumables and accessories, and repair and return support; weapons integration; support and test equipment; facilities and construction support; publications and technical documentation; personnel training and training equipment; transportation and airlift support; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $1.96 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a friendly country that continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale will improve Qatar's capability to meet current and future threats by providing timely intelligence, surveillance, and reconnaissance, target acquisition, counter-land, and counter-surface sea capabilities for its security and defense. This capability is a deterrent to regional threats and will primarily be used to strengthen its homeland defense. Qatar will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be General Atomics Aeronautical Systems, located in Poway, CA; Lockheed Martin, located in Bethesda, MD; RTX Corporation, located in Waltham, MA; L3Harris, Inc., located in Melbourne, FL; Boeing Corporation, located in Arlington, VA; and Leonardo SpA, located in Rome, Italy. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Qatar.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–16

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The MQ–9B Remotely Piloted Aircraft (RPA) is a weapons-ready aircraft designed for Medium-Altitude Long-Endurance intelligence, surveillance, and reconnaissance (ISR), target acquisition, and strike missions. The MQ–9B RPA is not a USAF program of record but has close ties to, and builds upon, the proven success of the MQ–9A Reaper. The MQ–9B is a highly modular, easily configurable aircraft that contains the necessary hard points, power, and data connections to accommodate a variety of payloads and munitions to meet multiple missions—including counter-land, counter-sea, and anti-submarine strike operations. The system is designed to be controlled by two operators within a Certifiable Ground Control Station (CGCS). The MQ–9B is able to operate using a direct line-of-sight (LoS) datalink or beyond line-of-sight (BLoS) through satellite communications (SATCOM). The MQ–9B system can be deployed from a single site that supports launch and recovery, mission control, and maintenance. The system also supports remote-split operations where launch, recovery, and maintenance occur at a forward operating base (FOB) and mission control is conducted from another location or main operating base (MOB).

2. Joint Direct Attack Munitions (JDAM) consist of a bomb body paired with a warhead-specific tail kit containing a Global Positioning System (GPS)/Inertial Navigation System (INS) guidance capability that converts unguided free-fall bombs into accurate, adverse weather ''smart'' munitions. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM can receive target coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors during captive carry, or from a third-party source via manual or automated entry.

a. The Guided Bomb Unit (GBU)-38 is a 500-lb JDAM, consisting of a KMU–572 tail kit and Bomb Live Unit (BLU)-111 or MK–82 bomb body.

b. The GBU–54 Laser Joint Direct Attack Munition (LJDAM) is a 500-lb JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the GPS/INS guidance. This provides the optional capability to strike moving targets. The GBU–54 consists of a DSU–38 laser guidance set or a DSU–33D/B proximity sensor and bomb body with appropriate KMU–5XX tail kit.

3. The Paveway II (PWII) is a maneuverable, free-fall laser-guided bomb (LGB) that guides to laser energy reflected off the target. The LGB is delivered like a normal general purpose (GP) warhead, but the semi-active laser guidance corrects many of the normal errors inherent in any delivery system. Laser designation for the LGB can be provided by a variety of laser target markers or designators. The PWII consists of a non-warhead-specific MAU–209 or MAU–169 computer control group (CCG) and a warhead-specific air foil group (AFG) that attaches to the nose and tail of the GP bomb body.

a. The GBU–12 is a 500-lb GP bomb body fitted with the MAU–169 CCG and MXU–650 AFG to guide to its laser designated target.

4. The M-Code capable Embedded Global Positioning System/Inertial Navigation System (GPS/INS) (EGI), with an embedded GPS Precise Positioning Service (PPS) Receiver Application Module-Standard Electronic Module (GRAM–S/M), is a self-contained navigation system that provides acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. SAASM or M-Code enables the GPS receiver access to the encrypted P(Y) or M-Code signal, providing protection against active spoofing attacks.

a. Mayflower Multi-Platform Anti-Jam GPS Navigation Antenna (MAGNA)-I, AS–4841 is a federated, GPS anti-jam solution. MAGNA–F can provide protected GPS signals to different receivers simultaneously. It protects critical mission systems on the platform and provides unwavering position, navigation, and timing (PNT). It can be used on multiple military and civilian GPS receivers. It is also compatible with Selective Availability Anti-Spoofing Modules (SAASM) and M-Code.

5. The EGI with SAASM—or M-Code receiver when available—and PPS is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. SAASM or M-Code enables the GPS receiver access to the encrypted P(Y) or M-Code signal, providing protection against active spoofing attacks.

6. The AN/APY–8 Lynx Synthetic Aperture Radar (SAR) and Ground Moving Target Indicator (GMTI) system provides all-weather surveillance, tracking, and targeting.

7. The L3 Rio Grande communications intelligence sensor suite's capabilities meet rigorous mission requirements for small, manned, and unmanned intelligence, surveillance, and reconnaissance (ISR) platforms. Rio Grande intercepts, locates, monitors, and records communications signals using a common set of software applications. Rio Grande operates on an open architecture design and supports third-party special signals applications, real-time audio recording and playback, and a three-dimensional display of the area of interest.

8. The AGM–114R2 Hellfire II is a missile equipped with a semi-active laser (SAL) seeker that homes in on the reflected light of a laser designator. The AGM–114R can be launched from higher altitudes than previous variants because of its enhanced guidance and navigation capabilities, which include a height-of-burst (HOB)/proximity sensor. The missile has a multipurpose warhead and can destroy hard, soft, and enclosed targets.

a. Captive Air Training Missiles (CATMs) are used to simulate the AGM–114R2 Hellfire missiles and are carried and delivered in the same manner as the Hellfire with identical weight, center of gravity, and overall appearance.

9. The Honeywell TPE–331 is a turboprop engine with power output ranging from 429 to 1,230 kW.

10. The Certifiable Ground Control Station (CGCS) is designed to emulate a reconnaissance aircraft cockpit, giving users extensive means to operate both the aircraft and sensors. It can be fixed or mobile, with either version allowing operators to control and monitor the aircraft, as well as record and exploit downlinked payload data.

11. The FMU–139D/B Joint Programmable Fuze (JPF) is a multi-delay, multi-arm proximity sensor compatible with general purpose blast, frag, and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with numerous precision-guided weapons.

12. The KY–100M is a cryptographic-modernized lightweight terminal for secure voice and data communications. The KY–100M provides wideband/narrowband half-duplex communication. Operating in tactical ground, marine, and airborne applications, the KY–100M enables secure communication with a broad range of radio and satellite equipment.

13. The AN/PYQ–10 Simple Key Loader (SKL) is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

14. The Keying Identification Verification (KIV)-77 is a cryptographic applique for Identification Friend or Foe (IFF). It can be loaded with Mode 5 classified elements.

15. The Semi-Automatic Ground Environment (SAGE) 750 Electronic Surveillance Measures (ESM) System is a United Kingdom produced digital electronic intelligence (ELINT) sensor which analyzes the electromagnetic spectrum to map the source of active emissions. Using highly accurate direction finding (DF) antennas, SAGE builds target locations and provides situational awareness, advance warning of threats, and the ability to cue other sensors.

16. The SNC 4500 Auto Electronic Surveillance Measures (ESM) System is a digital electronic intelligence (ELINT) sensor which analyzes the electromagnetic spectrum to map the source of active emissions. Using highly accurate Direction Finding (DF) antennas, the SNC 4500 builds target locations and provides situational awareness, advance warning of threats, and the ability to cue other sensors.

17. The L3 Harris Compact Multi-Band Data Link (CMDL) is a miniaturized, high-performance, wideband data link operating in Ku, C, L, or S-band, with both analog and digital waveforms. It is interoperable with military and commercial products including Tactical Common Data Link (TCDL) terminals, the complete line of Remotely Operated Video Enhanced Receiver (ROVER) systems, and coded orthogonal frequency division multiplexing (COFDM) receivers.

18. The L3 Harris ROVER 6Si transceiver provides real-time, full-motion video and other network data for situational awareness, targeting, battle damage assessment, surveillance, relay, convoy over-watch operations, and other situations where eyes-on-target are required. It provides expanded frequencies and additional processing resources from previous ROVER versions, allowing increased levels of collaboration and interoperability with numerous manned and unmanned airborne platforms.

19. Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is supporting equipment used to interface with weapon systems to initiate and report BIT results and upload/download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of operational flight program (OFP) data, loading of munitions mission planning data, loading of GPS cryptographic keys, and declassification of munitions memory.

20. The MX–20HD is a gyro-stabilized, multi-spectral, multi-field-of-view Electro-Optical/Infrared (E.O./IR) targeting system. The system provides surveillance laser illumination and laser designation through use of an externally mounted turret sensor unit and internally mounted master control. Sensor video imagery is displayed in the aircraft real time and may be recorded for subsequent ground analysis.

21. The Selex Seaspray is an Active Electronically Scanned Array (AESA) surveillance radar suitable for a range of capabilities from long range search to small target detection.

22. Due Regard Radar (DRR) is a collision avoidance air-to-air radar. DRR is a key component of GA–ASI's overall airborne Detect and Avoid System (DAAS) architecture for MQ–9B. By tracking non-cooperative aircraft, DRR enables a collision avoidance capability onboard the RPA and allows the pilot to separate the aircraft from other air traffic in cooperation with air traffic control.

23. The Automatic Identification System (AIS) transponder provides maritime patrol and search and rescue (SAR) aircraft with the ability to track and identify AIS-equipped vessels over a dedicated very high frequency (VHF) data link. AIS is a key component of any maritime ISR network and offers maritime authorities with the ability to better coordinate air and sea search, rescue, surveillance, and interdiction operations.

24. The Rohde & Schwartz Ultra High Frequency (UHF)/VHF radio is a multi-band, portable, two-way communication radio.

25. The AN/DPX–7 is an IFF transponder used to identify and track aircraft, ships, and some ground forces to reduce friendly fire incidents.

26. The C-Band LoS Ground Data Terminals and Ku-Band SATCOM GA–ASI Transportable Earth Stations (GATES) provide command, control, and data acquisition for the MQ–9.

27. The M299 launcher provides mechanical and electrical interface between the Hellfire missile and aircraft.

28. The KOR–24A Small Tactical Terminal (STT) Link-16 is a command, control communications, and intelligence (C31) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

29. The Intrusion Prevention System (IPS)-250X is a low-size, weight, and power (SWaP) National Security Agency (NSA)-certified high-speed Internet Protocol (IP) network encryptor.

30. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

31. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

32. A determination has been made that Qatar can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

33. All defense articles and services listed in this transmittal have been authorized for release and export to Government of Qatar.

[FR Doc. 2026–00309 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 20–29]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 20–29, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

DEC 2 0 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20-29 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost $4.69 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 20–29

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Egypt

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$4.69 billion
TOTAL	$4.69 billion

Funding Source: Foreign Military Financing (FMF)

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Egypt has requested a possible sale to refurbish and upgrade five hundred fifty-five (555) M1A1 Abrams tanks into M1A1SA configuration tanks.

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:
The following non-MDE items will also be included: Five hundred fifty-five (555) AN/VAS–5B Driver Vision Enhancer (DVE–A) kits; five hundred fifty-five (555) Thermal Imaging System (TIS) gunner sights; AGT–1500 tank engines; X–1100 tank transmissions; M250 smoke grenade launchers; spare parts;

support equipment; depot level support; Government furnished equipment (GFE); repair parts; repair and return program; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (EG–B–VJE)

(v) *Prior Related Cases, if any:* EG–B–NFY

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt—Abrams Tank Refurbishment, Support, and Equipment

The Government of Egypt has requested a possible sale to refurbish and upgrade five hundred fifty-five (555) M1A1 Abrams tanks into M1A1SA configuration tanks. The following non-MDE items will also be included: five hundred fifty-five (555) AN/VAS–5B Driver Vision Enhancer (DVE–A) kits; five hundred fifty-five (555) Thermal Imaging System (TIS) gunner sights; M250 smoke grenade launchers; AGT–1500 tank engines; X–1100 tank transmissions; spare parts; support equipment; depot level support; Government furnished Equipment (GFE); repair parts; repair and return program; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total program cost is $4.69 billion.

This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of a major non-NATO ally that continues to be an important strategic partner in the Middle East. Egypt is the only country in the world, other than the U.S., that produces the M1A1 Abrams. The Egyptian Refurbishment Program will significantly contribute to the flow of M1A1 components and parts from the United States, creating economies of scale and reducing overall unit price of scarce M1A1 parts for the Department of Defense and other U.S. security partners.

This proposed sale will contribute to the modernization of Egypt's main battle tank fleet, enhancing its ability to meet current and future threats. These tanks will contribute to Egypt's goal of updating its military capability while further enhancing interoperability with the United States and other allies. Egypt will have no difficulty absorbing this equipment into its armed forces, as this program does not provide additional tanks and updating Egypt's tanks to a common, modern configuration will reduce obsolescence and positively impact the logistics supply chain.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The M1A1SA tank contractor will be General Dynamics Land Systems, located in Sterling Heights, MI. Refurbishment and upgrade will take place at the Egyptian Tank Plant, located in Cairo, Egypt. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require semi-annual trips to Egypt involving up to twenty U.S. Government and twenty contractor representatives for a period of up to ten years to manage the refurbishment, fielding, and training for the program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 20–29

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AN/VAS–5B Driver Vision Enhancer—Abrams (DVE–A) is a passive thermal imaging system used to enhance a driver's viewing capabilities while operating during degraded visual conditions such as darkness, fog, smoke, or dust. The DVE–A is a model of the DVE designed specifically for the Abrams tank that allows safe, rapid egress for the driver. The DVE–A utilizes a 640 x 480 long wave detector.

2. The AGT 1500 Gas Turbine Propulsion System, used in the Abrams tank, is a unique application of armored vehicle power pack technology. The hardware is composed of the AGT–1500 engine and X–1100 transmission.

3. The Thermal Imaging System (TIS) gunner's sight constitutes a target acquisition system which, when operated with other tank systems, gives the tank crew a substantial advantage over potential threats. The TIS provides the gunner and commander with the ability to effectively aim and fire the tank main armament system under a broad range of adverse battlefield conditions.

4. A major survivability feature of the Abrams tank is the compartmentation of fuel and ammunition. Compartmentation is the positive separation of the crew and critical components from combustible materials such that if the fuel or ammunition is ignited or detonated by an incoming threat round, the crew is fully protected. Compartmentation significantly enhances crew survivability and substantially reduces the likelihood of the tank being immobilized by an ammunition explosion and fire.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Egypt.

[FR Doc. 2026–00359 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–34]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of

Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–34, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

December 17, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-34, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost $130 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 24–34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Norway

(ii) *Total Estimated Value:*

Major Defense Equipment *	$105 million
Other	$ 25 million
TOTAL	$130 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case NO–B–VRY was below congressional notification threshold at $2.79 million (no MDE) and included Precision Guidance Kit (PGK) cutaway models; fuze wrenches; enhanced portable inductive artillery fuze setters; GPS antennae and cables; improved Platform Integration Kits; PGK-associated hardware for testing; labor support; training aids; technical data and reports; United States (U.S.) Government technical assistance; incidental travel; transportation; PGK spare parts; equipment training; and related elements of logistics and program support. The Government of Norway has requested the case be amended to include eight thousand one (8,001) M1156A1 PGK multi-option fuzes. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

Eight thousand one (8,001) M1156A1 PGK multi-option fuzes

Non-Major Defense Equipment:

The following non-MDE items will also be included: PGK cutaway models; fuze wrenches; enhanced portable inductive artillery fuze setters; GPS antennae and cables; improved Platform Integration Kits; PGK-associated hardware for testing; labor support; training aids; technical data and reports; U.S. Government technical assistance; incidental travel; transportation; PGK spare parts; equipment training; and related elements of logistics and program support.

(iv) *Military Department:* Army (NO–B–VRY)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 17, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—M1156A1 Precision Guidance Kits Fuzes

The Government of Norway has requested to buy eight thousand one (8,001) M1156A1 Precision Guidance Kit (PGK) multi-option fuzes that will be added to a previously implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at $2.79 million, included PGK cutaway models; fuze wrenches; enhanced portable inductive artillery fuze setters; GPS antennae and cables; improved Platform Integration Kits; PGK-associated hardware for testing; labor support; training aids; technical data and reports; U.S. Government technical assistance; incidental travel; transportation; PGK spare parts; equipment training; and related elements of logistics and program support. This notification is for eight thousand one (8,001) M1156A1 PGK multi-option fuzes. The following non-MDE items will also be included: PGK cutaway models; fuze wrenches; enhanced portable inductive artillery fuze setters; GPS antennae and cables; improved Platform Integration Kits; PGK-associated hardware for testing; labor support; training aids; technical data and reports; U.S. Government technical assistance; incidental travel; transportation; PGK spare parts; equipment training; and related elements of logistics and program support. The estimated total program cost is $130 million.

This proposed sale will support the foreign policy goals and national security objectives of the U.S. by improving the security of a NATO Ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve Norway's capability to meet current and future threats and enhance its interoperability with U.S. and other allied forces. This proposed sale will enhance Norway's artillery and mid-range fire capability. Norway will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Northrop Grumman Innovation Systems, located in Dulles, VA. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–34

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The M1156A1 Precision Guidance Kit (PGK) is a cannon artillery fuze which uses the Global Positioning System to increase the delivery accuracy of standard 155 mm high explosive ammunition. The NA37 M1156A1 includes M-code capability and eliminates the need for an anti-tamper coating to protect critical KDP technology. It is also a height-of-burst fuze, which uses a proximity sensor to cause the round to burst in the air over the enemy, increasing lethality.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Norway can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Norway.

[FR Doc. 2026–00363 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–108]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–108, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

December 20, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-108, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost $130 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d) Certification

BILLING CODE 6001–FR–C

Transmittal No. 24–108

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Greece

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$130 million
TOTAL	$130 million

Funding Source: Foreign Military Financing and National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case GR–B–IAO was below congressional notification threshold at $99.99 million ($0 in MDE) and included M1117 wheeled Armored Security Vehicles (ASV) (through the Excess Defense Article program); MK19 Modification (MOD) 4 Up-Gunned Weapon Systems (UGWS); Concurrent Spare Parts (CSP) packages; spare barrels; United States (U.S.) Government and contractor vehicle spare parts; vehicle Special Tools and Test Equipment (STTE); vehicle Basic Issue Items (BII); Simplified Nonstandard Acquisition Program (SNAP) spare parts; U.S. Government case management and technical assistance; facility-required equipment; New Equipment Training (NET); Field Service Representative support; Joint Visual Inspection with U.S. Army Tank-Automotive and Armaments Command (TACOM) technical assistance; Packaging, Crating, and Handling with follow-on transportation; and other related elements of logistics and program support.

The Government of Greece has requested that the case be amended to include Aerosonde Uncrewed Aircraft Systems (UAS) with Lycoming heavy-fuel engines; Global Positioning System (GPS) with Selective Availability Anti-Spoofing Module (SAASM) or M-Code; TASE400 Electro Optical (E.O.)/Medium Wave Infrared (MWIR)/Long-Range Spotter-High Definition (LRS–HD) payloads; avionics; video and telemetry datalink subsystems and secondary payload bays; Ground Control Stations; ground data terminals; launch and recovery trailers; ground support equipment; ''fly as you drive'' M1117 ASV interface kits and integration; initial spares package; initial spares replenishment; new equipment training; program management support; contractor logistics support and Field Service Representative support; technical data and publications; quality assurance services; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. This amendment will cause the case to exceed the notification

threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment:

The following non-MDE items will be included: M1117 wheeled Armored Security Vehicles (ASV) (through the Excess Defense Article program); MK19 Modification (MOD) 4 Up-Gunned Weapon Systems (UGWS); Concurrent Spare Parts (CSP) packages; spare barrels; U.S. Government and contractor vehicle spare parts; vehicle Special Tools and Test Equipment (STTE); vehicle Basic Issue Items (BII); Simplified Nonstandard Acquisition Program (SNAP) spare parts; U.S. Government case management and technical assistance; facility-required equipment; New Equipment Training (NET); Field Service Representative support; Joint Visual Inspection with U.S. Army Tank-Automotive and Armaments Command (TACOM) technical assistance; Packaging, Crating, and Handling with follow-on transportation; and other related elements of logistics and program support; Aerosonde Uncrewed Aircraft Systems (UAS) with Lycoming heavy-fuel engines; Global Positioning System (GPS) with Selective Availability Anti-Spoofing Module (SAASM) or M-Code; TASE400 Long-Range Spotters; avionics; video and telemetry datalink subsystems; Ground Control Stations; ground data terminals; launch and recovery trailers; ground support equipment; ''fly as you drive'' M1117 ASV interface kits and integration; initial spares package; initial spares replenishment; new equipment training; program management support; contractor logistics support and Field Service Representative support; technical data and publications; quality assurance services; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (GR–B–IAO)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Greece—Aerosonde Uncrewed Aircraft Systems and Armored Security Vehicles

The Government of Greece has requested to buy Aerosonde Uncrewed Aircraft Systems (UAS) with Lycoming heavy-fuel engines; Global Positioning System (GPS) with Selective Availability Anti-Spoofing Module (SAASM) or M-Code; TASE400 Long-Range Spotters; avionics; video and telemetry datalink subsystems; Ground Control Stations; ground data terminals; launch and recovery trailers; ground support equipment; ''fly as you drive'' M1117 ASV interface kits and integration; initial spares package; initial spares replenishment; new equipment training; program management support; contractor logistics support and Field Service Representative support; technical data and publications; quality assurance services; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support, that will be added to a previously implemented case whose value was under the congressional notification threshold.

The original Foreign Military Sales (FMS) case, valued at $99.99 million ($0 in MDE), included M1117 wheeled Armored Security Vehicles (ASV) (through the Excess Defense Article program); MK19 Modification (MOD) 4 Up-Gunned Weapon Systems (UGWS); Concurrent Spare Parts (CSP) packages; spare barrels; U.S. Government and contractor vehicle spare parts; vehicle Special Tools and Test Equipment (STTE); vehicle Basic Issue Items (BII); Simplified Nonstandard Acquisition Program (SNAP) spare parts; U.S. Government case management and technical assistance; facility-required equipment; New Equipment Training (NET); Field Service Representative support; Joint Visual Inspection with U.S. Army Tank-Automotive and Armaments Command (TACOM) technical assistance; Packaging, Crating, and Handling with follow-on transportation; and other related elements of logistics and program support. The estimated total cost is $130 million.

This proposed sale will support the foreign policy and national security of the U.S. by improving the security of a NATO Ally that continues to be a force for political and economic stability in Europe.

The proposed sale will improve Greece's capability to deter current and future threats, support coalition operations, and increase interoperability with the U.S. Greece will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Textron Systems, located in Hunt Valley, MD. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will require approximately eighteen U.S. Government and/or eighteen contractor representatives to travel to Greece for an extended period for equipment de-processing and fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–108

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The NovAtel OEM625S Global Positioning System (GPS) receiver is a small form factor combination of robust Selective Availability Anti-Spoofing Module (SAASM) GPS positioning. When keyed, the OEM625S provides a Real-Time Kinematic (RTK) Precise Positioning System (PPS) solution.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Greece can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized

for release and export to the Government of Greece.

[FR Doc. 2026–00368 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–21]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–21, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

DEC 2 0 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-21, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost $30 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 22–21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Egypt

(ii) *Total Estimated Value:*

Major Defense Equipment *	$25 million
Other	$ 5 million
TOTAL	$30 million

Funding Source: Foreign Military Financing (FMF)

(iii) *Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase:* Foreign Military Sales (FMS) case EG–P–ADI, was below congressional notification threshold at $8 million ($5.2 million in MDE) and included two hundred sixteen (216) Advanced Precision Kill Weapon Systems (APKWS). The Government of Egypt has requested the case be amended to include an additional five hundred forty-three (543) APKWS. This amendment will cause the case to exceed the notification threshold, and thus notification of the entire program is required. The above notification requirements are combined as follows:

Major Defense Equipment (MDE):

Seven hundred fifty-nine (759) APKWS

Non-Major Defense Equipment:

The following non-MDE items will also be included: test support equipment; spare and repair parts; publications and technical documentation; personnel training and training equipment; transportation; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iii) *Military Department:* Navy (EG–P–ADI)

(iv) *Prior Related Cases, if any:* None

(v) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vi) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(vii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt—Advanced Precision Kill Weapon System

The Government of Egypt has requested to buy an additional five hundred forty-three (543) Advanced Precision Kill Weapon Systems (APKWS) that will be added to a previously implemented case whose value was under the congressional notification threshold. The original Foreign Military Sales (FMS) case, valued at $8 million ($5.2 million in MDE), included two hundred sixteen (216) APKWS. This notification is for a combined total of seven hundred fifty-nine (759) APKWS. The following non-MDE items will also be included: test support equipment; spare and repair parts; publications and technical documentation; personnel training and training equipment; transportation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $30 million.

This proposed sale will support U.S. foreign policy and national security objectives by helping to improve the security of a friendly country that continues to be an important force for political stability and economic growth in the Middle East.

The proposed sale will address the shared U.S.-Egyptian interest in countering terrorist activities in North Sinai, which threaten regional security and stability. The proposed sale will enhance Egypt's ability to defend itself against regional malign actors and improve interoperability with U.S. forces. It will also improve Egypt's capacity to sustain security operations and strengthen its internal and external defense capabilities. The sale of APKWS will increase the Egyptian Air Force (EAF)'s ability to carry out operations against terrorist forces while significantly reducing risk to civilians. The EAF has already purchased APKWS rockets for use on its Apache aircraft so it will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be BAE Systems, located in Nashua, NH. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will involve multiple trips to Egypt involving U.S. government and contractor representatives for approximately three years for program management, program and technical reviews, training, maintenance support, and site surveys.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Advanced Precision Kill Weapon System (APKWS) is a combat-proven, laser-guided 70 mm rocket system. It can be launched from rotary-wing and fixed-wing aircraft and unmanned platforms to strike ground, air, and sea-based targets, and also supports close air support operations.

2. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Egypt.

[FR Doc. 2026–00366 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–04]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to

fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–04, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

December 20, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-04, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $265 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 25–04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment ..	$ 93 million
Other	$172 million
TOTAL	$265 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Three hundred nine (309) Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) Variant 5 (V5)

Non-Major Defense Equipment:

The following non-MDE items will also be included: non-recurring engineering; testing, certification, and other activities necessary to integrate MIDS JTRS V5 Block Upgrade Three on the recipient's Patriot, HE–2K, P–3, and F–16 Block 20 platforms; communications equipment and services needed to accelerate the modernization of the recipient's Advanced Tactical Datalink System; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (TW–P–LII)

(v) *Prior Related Cases, if any:* TW–P–GQD

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States (TECRO)—Command, Control, Communications, and Computers Modernization

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy three hundred nine (309) Multifunctional Information Distribution System Joint Tactical Radio Systems (MIDS JTRS) Variant 5 (V5). The following non-MDE items will also be included: non-recurring engineering; testing, certification, and other activities necessary to integrate the MIDS JTRS V5 Block Upgrade Three on the recipient's Patriot, HE–2K, P–3, and F–16 Block 20 platforms; communications equipment and services needed to accelerate the modernization of the recipient's Advanced Tactical Datalink System; and other related elements of logistics and program support. The estimated total cost is $265 million.

This proposed sale is consistent with United States (U.S.) law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's ability to meet current and future threats by enhancing communications and network security for its command, control, communications, and computers (C4) capabilities. The support will enhance the recipient's ability to command and control its forces by accelerating the delivery of infrastructure for the secure flow of tactical information. The recipient will have no difficulty absorbing this equipment and these services.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor(s) will be selected through competitive procurements conducted by the U.S. Government in accordance with the Federal Acquisition Regulation. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of five U.S. Government personnel and five contractor representatives to visit the recipient for a duration of up to four weeks to provide engineering and technical support services, as well as program and technical reviews.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AN/USQ–190 Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) is a secure, jam-resistant communication and positioning system that employs a defined waveform in the 960–1215-megahertz (MHz) Ultra High Frequency (UHF) range for packet message communication and 16 Kilobit digital voice and packet message communication. MIDS significantly increases force command and control (C2) effectiveness. The Tactical Digital Information Link-J (TADIL–J) series message standard is employed by the system as defined in North Atlantic Treaty Organization (NATO) Standardization Agreement (STANAG) 5516 and U.S. Military Standard (MIL–STD) 6016. The embedded hardware features provide communications security. MIDS JTRS builds on the earlier MIDS-Low Volume Terminal's (MIDS–LVT) capabilities with the addition of Concurrent Multi-Netting (CMN) and Concurrent Contention Receive (CCR) functions. CMN and CCR dramatically expand the number of platforms and network-enabled systems that can be reliably included in a Link 16 network. These enhancements allow a single MIDS JTRS terminal to simultaneously receive messages on up to four nets within a single Link 16 time slot, compared with on a single net in terminals without CMN and CCR, allowing a user to ''hear'' messages from up to three additional sources at once.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the recipient.

[FR Doc. 2026–00367 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–96]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–96, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

DEC 2 0 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24-96, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Kingdom of Morocco for defense articles and services estimated to cost $86 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 24–96

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Morocco

(ii) *Total Estimated Value:*

Major Defense Equipment *	$51 million
Other	$35 million
TOTAL	$86 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Five hundred (500) GBU–39B Small Diameter Bombs I (SDB–I)
Two (2) GBU–39 (T–1)/B inert practice bombs with fuze

Non-MDE:
The following non-MDE items will also be included: GBU–39 tactical training rounds; containers, weapons system support, and test and support equipment; spare parts, consumables and accessories, and repair and return support; publications and technical data; personnel training and training equipment; warranties; transportation support; site surveys; (United States (U.S.) Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (MO–D–QAQ)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Morocco—GBU–39B Small Diameter Bombs (SDB–I)

The Kingdom of Morocco has requested to buy five hundred (500) GBU–39B Small Diameter Bombs I (SDB–I); and two (2) GBU–39 (T–1)/B inert practice bombs with fuze. The following non-MDE items will also be included: GBU–39 tactical training rounds; containers, weapons system support, and support and test equipment; spare parts, consumables and accessories, and repair and return support; publications and technical data; personnel training and training equipment; warranties; transportation support; site surveys; U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support. The estimated total cost is $86 million.

This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of a major non-NATO ally that continues to be an important force for political stability and economic progress in North Africa.

The proposed sale will improve Morocco's capability to meet current and future threats. This capability will also strengthen combined operations and increase interoperability between the U.S. Air Force and the Royal Moroccan Air Force. Morocco will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Boeing Corporation, located in St. Louis, MO. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Kingdom of Morocco.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 24–96

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The GBU–39/B Small Diameter Bomb I (SDB–I) is a 250-pound GPS-aided inertial navigation system with Precise Positioning Services provided by Selective Availability Anti-Spoofing Module or M-Code, small autonomous, day or night, adverse weather, conventional, air-to-ground precision glide weapon able to strike fixed and stationary re-locatable non-hardened targets from standoff ranges. It is intended to provide aircraft with an ability to carry a high number of bombs. Aircrafts can carry four SDBs in place of one 2,000-pound bomb. This potential sale includes GBU–39 (T–1)/B inert with fuze practice bombs, and GBU–39B Tactical Training Rounds (inert fuze).

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Kingdom of Morocco can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Morocco.

[FR Doc. 2026–00364 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–38]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–38, Policy Justification, and Sensitivity of Technology.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

DEC 2 0 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-38, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost $630 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 22–38

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Egypt

(ii) *Total Estimated Value:*

Major Defense Equipment *	$600 million
Other	$ 30 million
TOTAL	$630 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two thousand one hundred eighty-three (2,183) Hellfire Air-to-Ground Missiles, AGM–114R

Non-Major Defense Equipment:

The following non-MDE items will also be included: spare and repair parts; United States (U.S.) Government technical assistance; integrated logistics support; hardware equipment; technical publications; repair and return services; and other related elements of logistical and program support.

(iv) *Military Department:* Army (EG–B–VIE)

(v) *Prior Related Cases, if any:* EG–B–VIP

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt—Hellfire AGM–114R Missiles

The Government of Egypt has requested to buy two thousand one hundred eighty-three (2,183) Hellfire Air-to-Ground Missiles, AGM–114R. The following non-MDE items will also be included: spare and repair parts; U.S. Government technical assistance; integrated logistics support; hardware equipment; technical publications; repair and return services; and other related elements of logistical and program support. The total estimated cost is $630 million.

This proposed sale will support U.S. foreign policy and national security objectives by helping to improve the security of a country that continues to

be an important force for political stability and economic growth in the Middle East.

The proposed sale will improve Egypt's capability to meet current and future threats by enhancing Egypt's ability to defend itself against regional malign actors and improve interoperability with systems operated by U.S. forces and other regional security partners. Egypt's continued investment in its defensive capabilities is crucial to protecting its borders, transportation infrastructure, and its residents. Egypt will have no difficulty absorbing Hellfire missiles into its armed forces, as they currently use this munition and require stock replenishment.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, located in Orlando, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–38

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Hellfire Air-to-Ground Missile, AGM–114R, is a precision strike, Semi-Active Laser (SAL)-guided missile and is the principal air-to-ground weapon for the Army. The AGM–114R missile provides the warfighter with an air-to-ground, point-target precision strike capability to defeat advanced armor and an array of traditional and nontraditional targets.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Egypt.

[FR Doc. 2026–00370 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–11]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–11, Policy Justification, and Sensitivity of Technology.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

April 1, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-11, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Philippines for defense articles and services estimated to cost $5.58 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 25–11

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Philippines

(ii) *Total Estimated Value:*

Major Defense Equipment *.	$2.73 billion.
Other	$2.85 billion.
TOTAL	$5.58 billion.

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
- Sixteen (16) F–16 C Block 70/72 aircraft
- Four (4) F–16 D Block 70/72 aircraft
- Twenty-four (24) F110–GE–129D or F100–PW–229 engines (20 installed, 4 spares)
- Twenty-two (22) Improved Programmable Display Generators (iPDGs) (20 installed, 2 spares)
- Twenty-two (22) AN/APG–83 Active Electronically Scanned Array (AESA) Scalable Agile Beam Radars (SABR) (20 installed, 2 spares)
- Twenty-two (22) Modular Mission Computers 7000AH (or available mission computer) (20 installed, 2 spares)
- Twenty-two (22) Embedded Global Positioning System (GPS) Inertial Navigation Systems (INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM) or M-Code capability and Precise Positioning Service (PPS) (20 installed, 2 spares)
- Eighty-eight (88) LAU–129 guided missile launchers
- Twenty-two (22) M61A1 anti-aircraft guns (20 installed, 2 spares)
- Twelve (12) AN/AAQ–33 Sniper Advanced Targeting Pods (ATP)
- Twenty-four (24) Multifunctional Information Distribution System-Joint Tactical Radio Systems (MIDS–JTRS)
- One hundred twelve (112) Advanced Medium Range Air-to-Air Missiles (AMRAAMs) Air Intercept Missile (AIM)120C–8 or equivalent missiles
- Four (4) AMRAAM guidance sections
- Thirty-six (36) Guided Bomb Unit (GBU)-39/B Small Diameter Bombs Increment 1 (SDB–1)
- Two (2) GBU–39 (T–1)/B SDB–1 Guided Test Vehicles (GTV)
- Forty (40) AIM–9X Block II Sidewinder missiles
- Thirty-two (32) AIM–9X Block II Sidewinder Captive Air Training Missiles (CATMs)
- Four (4) AIM–9X Block II Sidewinder guidance units
- Three (3) AIM–9X Block II Captive Air Training Missile (CATM) guidance units
- Sixty (60) MK–82 500-lb general purpose bombs
- Sixty (60) MK–84 2,000-lb general purpose bombs
- Thirty (30) Joint Direct Attack Munition (JDAM) KMU–572 tail kits for GBU–38 or Laser JDAM

GBU–54
Sixty (60) FMU–152 fuze systems
Thirty (30) MAU–210 Enhanced computer control groups (ECCG) for GBU–50 Enhanced Paveway II (EP II)
Thirty-two (32) MXU–651 air foil groups (AFG) for GBU–50 EP II
Non-Major Defense Equipment:
The following non-MDE items will also be included: AN/ALQ–254 Viper Shield (VS) electronic warfare (EW) or equivalent systems; AMRAAM CATMs; AIM–9X Sidewinder training missiles and active optical target detectors (AOTD); Infrared Search and Track (IRST) systems; Air Combat Maneuvering Instrument (ACMI) range systems; FMU–139 Joint Programmable Fuzes (JPFs); missile containers; AN/ARC–238 radios; AN/APX–127 or equivalent Advanced Identification Friend or Foe (AIFF) Combined Interrogator Transponders (CIT) with Mode 5; KY–58 and KIV–78 cryptographic devices; AN/PYQ–10 Simple Key Loaders (SKLs); KGV–250X cryptographic devices; Scorpion Hybrid Optical-based Inertial Trackers (HObIT) or Joint Helmet Mounted Cueing Systems II (JHMCS II) helmet mounted displays; night vision devices (NVDs); spare image intensifier tubes; AN/ALE–47 Airborne Countermeasures Dispenser Systems (CMDS); AN/ALE–47 countermeasure processors; AN/ALE–47 sequencer switching units; AN/ALE–47 Control Display Units (CDUs); precision navigation; Joint Mission Planning Systems (JMPS); GPS Antenna System (GAS–1) antenna electronics; Sniper pod pylons; ADU–890 and ADU–891 adapter units, LAU–117 and LAU–88 Maverick launchers, impulse cartridges, chaff, flares, ammunition, and other bomb components; BRU–57 bomb racks; BRU–61 munitions carriage assemblies; MAU–12 bomb racks and TER–9A triple ejection racks; Common Munitions Built-in-Test (BIT) Reprogramming Equipment (CMBRE); Rackmount Improved Avionics Intermediate Shop (RIAIS); Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); targeting systems; aircraft refurbishment after maintenance training; spare and repair parts, consumables and accessories; repair and return support; aircraft, engine, ground, and pilot life support equipment; classified and unclassified computer program identification number (CPIN) systems; pylons, launcher adapters, weapon interfaces, and bomb and ejection racks; fuel tanks; Precision Measurement Equipment Laboratory (PMEL) and calibration support; National Geospatial-Intelligence Agency (NGA) maps and mapping data; ferry and fuel support; classified and unclassified software and software support; classified and unclassified publications, manuals, and technical documentation; facilities and construction support; simulators and training devices; personnel training and training equipment; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (PH–D–SAC); Navy (PH–P–AAB, PH–P–AAC)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* April 1, 2025

* as defined in Section 47(6) of the Arms Export Control

POLICY JUSTIFICATION

Government of the Philippines—F–16 Aircraft

The Government of the Philippines has requested to buy sixteen (16) F–16 C Block 70/72 aircraft; four (4) F–16 D Block 70/72 aircraft; twenty-four (24) F110–GE–129D or F100–PW–229 Engines (20 installed, 4 spares); twenty-two (22) Improved Programmable Display Generators (iPDG) (20 installed, 2 spares); twenty-two (22) AN/APG–83 Active Electronically Scanned Array (AESA) Scalable Agile Beam Radars (SABR) (20 installed, 2 spares); twenty-two (22) Modular Mission Computers 7000AH (or available mission computer) (20 installed, 2 spares); twenty-two (22) Embedded Global Positioning System (GPS) Inertial Navigation Systems (INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM) or M-Code capability and Precise Positioning Service (PPS) (20 installed, 2 spares); eighty-eight (88) LAU–129 guided missile launchers; twenty-two (22) M61A1 anti-aircraft guns (20 installed, 2 spares); twelve (12) AN/AAQ–33 Sniper Advanced Targeting Pods (ATP); twenty-four (24) Multifunctional Information Distribution System-Joint Tactical Radio Systems (MIDS–JTRS); one hundred twelve (112) Advanced Medium Range Air-to-Air Missiles (AMRAAMs) Air Intercept Missile (AIM)-120C–8 or equivalent missiles; four (4) AMRAAM guidance sections; thirty-six (36) Guided Bomb Unit (GBU)-39/B Small Diameter Bombs Increment 1 (SDB–1); two (2) GBU–39(T–1)/B SDB–1 Guided Test Vehicles; forty (40) AIM–9X Block II Sidewinder missiles; thirty-two (32) AIM–9X Block II Sidewinder Captive Air Training Missiles (CATMs); four (4) AIM–9X Block II Sidewinder guidance units; three (3) AIM–9X Block II Captive Air Training Missile (CATM) guidance units; sixty (60) MK–82 500-lb general purpose bombs; sixty (60) MK–84 2,000-lb general purpose bombs; thirty (30) Joint Direct Attack Munition (JDAM) KMU–572 tail kits for GBU–38 or Laser JDAM GBU–54; sixty (60) FMU–152 fuze systems; thirty (30) MAU–210 enhanced computer control groups (ECCG) for GBU–50 Enhanced Paveway II (EP II); and thirty-two (32) MXU–651 air foil groups (AFG) for GBU–50 EP II. The following non-MDE items will also be included: AN/ALQ–254 Viper Shield (VS) electronic warfare (EW) or equivalent systems; AMRAAM CATMs; AIM–9X Sidewinder training missiles and active optical target detectors (AOTD); Infrared Search and Track (IRST) systems; Air Combat Maneuvering Instrument (ACMI) range systems; FMU–139 Joint Programmable Fuzes (JPFs); missile containers; AN/ARC–238 radios; AN/APX–127 or equivalent Advanced Identification Friend or Foe (AIFF) Combined Interrogator Transponders (CIT) with Mode 5; KY–58 and KIV–78 cryptographic devices; AN/PYQ–10 Simple Key Loaders (SKLs); KGV–250X cryptographic devices; Scorpion Hybrid Optical-based Inertial Trackers (HObIT) or Joint Helmet Mounted Cueing Systems II (JHMCS II) helmet mounted displays; night vision devices (NVDs); spare image intensifier tubes; AN/ALE–47 Airborne Countermeasures Dispenser Systems (CMDS); AN/ALE–47 countermeasure processors; AN/ALE–47 sequencer switching units; AN/ALE–47 Control Display Units (CDUs); precision navigation; Joint Mission Planning Systems (JMPS); GPS Antenna System (GAS–1) antenna electronics; Sniper pod pylons; ADU–890 and ADU–891 adapter units, LAU–117 and LAU–88 Maverick launchers, impulse cartridges, chaff, flares, ammunition, and other bomb components; BRU–57 bomb racks; BRU–61 munitions carriage assemblies;

MAU–12 bomb racks and TER–9A triple ejection racks; Common Munitions Built-in-Test (BIT) Reprogramming Equipment (CMBRE); Rackmount Improved Avionics Intermediate Shop (RIAIS); Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); targeting systems; aircraft refurbishment after maintenance training; spare and repair parts, consumables and accessories; repair and return support; aircraft, engine, ground, and pilot life support equipment; classified and unclassified computer program identification number (CPIN) systems; pylons, launcher adapters, weapon interfaces, and bomb and ejection racks; fuel tanks; Precision Measurement Equipment Laboratory (PMEL) and calibration support; National Geospatial-Intelligence Agency (NGA) maps and mapping data; ferry and fuel support; classified and unclassified software and software support; classified and unclassified publications, manuals, and technical documentation; facilities and construction support; simulators and training devices; personnel training and training equipment; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $5.58 billion.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a strategic partner that continues to be an important force for political stability, peace, and economic progress in Southeast Asia.

The proposed sale will enhance the Philippine Air Force's ability to conduct maritime domain awareness and close air support missions and enhance its suppression of enemy air defenses (SEAD) and aerial interdiction capabilities. This sale will also increase the ability of the Armed Forces of the Philippines to protect vital interests and territory, as well as expand interoperability with the U.S. forces. The Philippines will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, located in Greenville, SC. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Philippines.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–11

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F–16 Block 70 weapon system is a fourth generation single-engine supersonic all-weather multirole fighter aircraft and features advanced avionics and systems. It contains the General Electric F110–129D engine, AN/APG–83 radar, digital flight control system, embedded internal global navigation system, Joint Helmet Mounted Cueing Systems (JHMCS) II or Scorpion Hybrid Optical-based Inertial Tracker (HObIT) with night vision device compatibility, internal and external electronic warfare (EW) equipment, Advanced Identification Friend or Foe (AIFF), Link-16 datalink, operational flight trainer, and software computer systems.

a. General Electric F110–GE–129D and Pratt and Whitney F100–PW–229 engines are afterburning turbofan jet engines that power the F–16. Engine spare modules are kits made up of spare engine components including the following modules: inlet fan, core engine, fan drive turbine, augmenter duct and nozzle, and gear box.

b. The Modular Mission Computer (MMC) 7000AHC is the central aircraft computer of the F–16. It serves as the hub for all aircraft subsystems and avionics data transfer.

c. The Improved Programmable Display Generator (iPDG) and color multifunction displays utilize ruggedized commercial liquid crystal display technology designed to withstand the harsh environment found in modern fighter cockpits. The display generator is the fifth-generation graphics processor for the F–16. Through the use of state-of-the-art microprocessors and graphics engines, it provides orders of magnitude increases in throughput, memory, and graphics capabilities.

d. The APG–83 Scalable Agile Beam Radar (SABR) is an Active Electronically Scanned Array (AESA) radar upgrade for the F–16. It includes higher processor power, higher transmission power, more sensitive receiver electronics, and Synthetic Aperture Radar (SAR), which creates high-resolution ground maps from a greater distance than prior mechanically scanned array radars (*e.g.,* APG–68). The upgrade features an increase in detection range of air targets, increases in processing speed and memory, as well as significant improvements in all modes.

e. The Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGI) with Selective Availability Anti-Spoofing Module (SAASM)—or M-Code receiver when available—and Precise Positioning Service (PPS) is a self-contained navigation system that provides the following: acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. SAASM or M-Code enables the GPS receiver access to the encrypted P (Y or M) signal, providing protection against active spoofing attacks.

f. The integrated EW suite provides passive radar warning, wide spectrum radio frequency jamming, and control and management of the entire EW system. This system is anticipated to be internal to the aircraft, although mounted pod variants are used in certain circumstances.

g. AIFF Combined Interrogator Transponder (CIT) is a system capable of transmitting and interrogating Mode 5. Mode 4 and Mode 5 anti-jam performance specifications and data, software source code, algorithms, and tempest plans or reports will not be offered, released discussed, or demonstrated.

h. Multifunction Information Distribution System (MIDS) Joint Tactical Radio System (JTRS) is a four-channel software programmable radio for Link-16 digital voice communications and datalink, Tactical Air Navigation (TACAN), and advanced waveforms. Link-16 is a command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

i. The Infrared Search and Track System (IRST) is a high resolution, passive, infrared sensor system that searches for, detects, and tracks threats with infrared signatures at long ranges within its field of regard. It functions without emitting any radiation of its own and enables aircrews to detect adversaries before those adversaries see or sense them.

2. The LAU–129 guided missile launcher is capable of launching the Air Intercept Missile (AIM)-9 family of missiles or AIM–120 Advanced Medium Range Air-to-Air Missile (AMRAAM). The LAU–129 launcher provides the mechanical and electrical interface between the missile and aircraft.

3. The M61 Vulcan Cannon is a six-barreled automatic cannon chambered in 20x120mm with a cyclic rate of fire from 2,500–6,000 shots per minute. This weapon is a hydraulically powered air-cooled Gatling gun used to damage and destroy aerial targets, suppress and incapacitate personnel targets, and damage and destroy moving and stationary light material targets.

4. The AN/AAQ–33 Sniper Advanced Targeting Pod is a single, lightweight targeting pod for military aircraft that provides positive target identification, autonomous tracking, GPS coordinate generation, and precise weapons guidance from extended standoff ranges. It incorporates a high-definition mid-wave forward-looking infrared (FLIR) dual-mode laser, visible-light high-definition television (HDTV), laser spot tracker, video data link (VDL), and digital data recorder.

5. AN/ARC–238 radio with HAVE QUICK II is a voice communications radio system which employs cryptographic technology. Other waveforms may be included as needed.

6. The AN/APX–126/127 AIFF CIT is a system capable of transmitting and interrogating Mode 5. The AN/APX–127 is a form, fit, and function refresh of the AN/APX–126 and is the next generation to be produced.

7. The AN/ALE–47 Countermeasures Dispenser System (CMDS) provides an integrated, threat-adaptive, computer-controlled capability for dispensing chaff, flares, and active radio frequency expendables. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board EW and avionics systems. The AN/ALE–47 uses threat data received over the aircraft interfaces to assess the threat situation and determine a response. Expendable routines tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes.

8. The KY–58 is a secure voice module primarily used to encrypt radio communication to and from military aircraft and other tactical vehicles.

9. The KIV–78 is a cryptographic applique for Identification Friend or Foe. It can be loaded with Mode 5 classified elements.

10. The AN/PYQ–10 Simple Key Loader (SKL) is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

11. The Joint Mission Planning System (JMPS) is a multi-platform, computer-based mission planning system. Its modular suite of systems is tailored to user needs, allowing operators of various aircraft to install modules required for flight planning, weapons delivery planning, post-flight debrief, and operational integration.

12. JHMCS II and Scorpion HObIT are devices used in aircraft to project information to the pilot's eyes and to aid in tasks such as cueing weapons and aircraft sensors to air and ground targets. These systems project visual targeting and aircraft performance information on the back of the helmet visor, enabling the pilot to monitor information without interrupting field of view through the cockpit canopy. This provides improved capability in close combat targeting and engagement.

13. The AIM–9X Block II Sidewinder missile is a short-range air-to-air missile with a high off-boresight seeker, enhanced countermeasure rejection capability, low drag/high angle of attack airframe, and the ability to integrate a Helmet Mounted Cueing System (HMCS). This potential sale will include AIM–9X guidance sections, Active Optical Target Detectors (AOTD), training missiles, Captive Air Training Missiles (CATM), and CATM guidance units.

14. The AIM–120C–8 AMRAAM is a supersonic, air-launched, aerial intercept guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets. This potential sale will include CATM, as well as AMRAAM guidance and control sections.

15. The GBU–39 Small Diameter Bomb Increment 1 (SDB–1) is a 250-lb GPS-aided, small autonomous, day or night, adverse weather, conventional, air-to-ground precision glide weapon with an inertial navigation system and able to strike fixed and stationary re-locatable non-hardened targets from standoff ranges. It is intended to provide aircraft with an ability to carry a high number of bombs. Aircraft are able to carry four SDBs in place of one 2,000-lb bomb.

16. Joint Direct-Attack Munitions (JDAM) consist of a bomb body paired with a warhead-specific tail kit containing a GPS/INS guidance capability that converts unguided free-fall bombs into accurate, adverse weather smart munitions. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM is capable of receiving target coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors (*i.e.,* FLIR, radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry.

a. The GBU–38 is a 500-lb JDAM consisting of a KMU–572 tail kit and MK–82 or BLU–111 500-lb bomb body.

b. The GBU–54 Laser Joint Direct Attack Munition (LJDAM) is a 500-lb JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the INS/GPS guidance. This provides the optional capability to strike moving targets. The GBU–54 consists of a DSU–38 laser guidance set, KMU–572 tail kit, and MK–82 or BLU–111 bomb body.

17. The MK–82 General Purpose (GP) bomb is a 500-lb, free-fall, unguided, low-drag weapon. The MK–82 is designed for soft, fragment-sensitive targets and is not intended for hard targets or penetrations.

18. The Enhanced Paveway II (EP II) Laser Guided Bomb (LGB) is a maneuverable, all-weather, free-fall weapon that guides to a spot of laser energy reflected off the target. The ''enhanced'' component is the addition of GPS-aided Inertial Navigation Systems (GAINS) guidance to the laser seeker. Laser designation for the LGB can be provided by a variety of laser target markers or designators. The EP II consists of an MAU–210 enhanced computer control group (ECCG) that is not warhead-specific and a warhead-specific air foil group (AFG) that attaches to the nose and tail of a GP bomb body.

a. (U) The GBU–50 is 2,000-lb GP bomb body fitted with the MAU 210 CCG and MXU–651 AFG to guide its laser designated target.

19. The MK–84 GP bomb is a 2,000-lb, free-fall, unguided, low-drag weapon. The MK–84 is designed for soft, fragment sensitive targets and is not intended for hard targets or penetrations.

20. The FMU–152 or FMU–139 Joint Programmable Fuze (JPF) is a multi-delay, multi-arm, and proximity sensor compatible with general purpose blast, frag, and hardened-target penetrator weapons. JPF settings are cockpit

selectable in flight when used with numerous precision-guided weapons.

21. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

22. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

23. A determination has been made that the Philippines can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

24. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Philippines.

[FR Doc. 2026–00307 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–0G]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–0G.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

April 23, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 25-0G. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 23-26 of May 11, 2023.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 25–0G

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of Germany

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 23–26

Date: May 11, 2023

Implementing Agency: Army

(iii) *Description:* On May 11, 2023, Congress was notified by congressional certification transmittal number 23–26 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of sixty (60) CH–47F Block II Cargo Helicopters with customer-unique modifications; one hundred forty (140) T–55–GA–714A engines (120 installed, 20 spares); seventy-two (72) AN/AAR–57 Common Missile Warning Systems (CMWS) (60 installed, 12 spares); and two hundred eighty-four (284) AN/ARC–231A Communications Security (COMSEC) radios (240 installed, 44 spares). Also included were AN/AVR–2B Laser Detecting Sets; AN/APR–39C(V)1 Radar Detecting Sets; AN/ARC–220 High Frequency (HF) radios with electronic counter-countermeasures (ECCM); military Precise Positioning Service (PPS) (to include SAASM or M-Code); Digital Advanced Flight Control Systems (DAFCS); AN/APX–123A Identification Friend or Foe (IFF) transponder; AN/ARN–147 very high frequency (VHS) omnidirectional range and instrument landing system (VOR/ILS); AN/ARN–153 Tactical Air Navigation Systems (TACAN); air data computers; AN/APN–209 radar altimeter systems; AN/PYQ–10 simple key loaders; KIV–77 Mode 4/5 IFF Applique; KY–100M narrowband/wideband terminal COMSEC devices; AN/AVS–6 Night Vision Devices (NVD); IDM–401 Improved Data Modem; air-to-air refueling probes; M134 gun mounts; Infrared Suppression System (IRSS); Engine Air Particle Separator (EAPS); Ballistic Protection System (BPS) with Cockpit; cabin sides; Midas Underfloor COOLS; Extended Range Fuel System (ERFS) 800 gal and 500 gal; Forward Area Refueling Equipment (FARE); Tie Down Materiel/Helicopter Under-Slung Load Equipment (HUSLE) for internal and external loads; rotorbrake; rescue hoists; Fast Rope Insertion/Extraction System (FRIES); Electro Optical Infrared Sensors (EO/IR); crash resistant pilot and troop seats; skis; life rafts; litter straps and fittings; mission equipment (*e.g.,* jungle penetrator; litter basket; Jacob's ladder; Airborne Tactical Extraction Platform (AirTEP); special tools and test equipment; ground support equipment; airframe and engine spare parts; technical data; publications; Maintenance Work Orders/Engineering Change Proposals (MWO/ECPs); Repair and Return (R&R); technical assistance; airworthiness assistance; transportation of aircraft; training; flight training and maintenance trainers; and other related elements of logistics and program support. The total estimated cost was $8.5 billion. Major Defense Equipment (MDE) constituted $3.35 billion of this total.

This transmittal notifies the inclusion of the following MDE items: forty-seven (47) OT–228/U Common Infrared Countermeasures (CIRCM) and one hundred forty-four (144) ''EAGLE–M'' aviation navigation systems comprised of Enhanced Aviation Global Air Traffic Management (GATM) systems, Localizer Performance with Vertical Guidance (LPV) instruments, and Embedded Global Positioning System (GPS)/Inertial Navigation Systems (INS) (EGIs) with M-code. The following non MDE items will also be included: Multi-Platform Anti-Jam GPS Navigation Antenna-Federated (MAGNA–F), Type Designator: AS–4840; communications systems; and other related elements of logistics and program support. The estimated total cost of the new items is $0.63 billion. The estimated MDE value will increase by $0.63 billion to a revised $3.98 billion but will not require an increase in the estimated total case value. Instead, $0.63 billion of the available, previously notified non-MDE value will be transferred to the MDE value, causing a decrease in non-MDE value to $4.52 billion. The estimated total case value will remain at $8.50 billion.

(iv) *Significance:* This notification is being provided because the additional MDE items were not enumerated in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified. The proposed sale will improve Germany's capability to meet current and future regional threats, reinforce its ability to maintain regional stability, and increase the defensive capabilities of its military. The sale supports U.S. national security interests by bolstering land defense in Europe.

(v) *Justification:* This proposed sale will support the foreign policy and national security of the United States by improving the security of a NATO Ally that is an important force for political and economic stability in Europe.

(vi) *Sensitivity of Technology:*

CIRCM is the next-generation lightweight, laser-based, infrared countermeasure system for rotary-wing, tilt-rotor, and small fixed-wing aircraft. CIRCM provides near spherical coverage of the host platform to defeat infrared-seeking missiles. It receives an angular bearing hand-off from the CMWS or Limited Interim Missile Warning System (LIMWS), and employs a pointing and tracking system that acquires and tracks the incoming missile, and jams the missile using modulated laser energy to degrade the tracking capability of the missile, causing it to miss the aircraft.

The EAGLE–M, also known as EAGLE M+429, contains sensitive technology that provides GPS hardening when loaded with COMSEC keys.

The MAGNA–F antenna nulls unwanted signals using digital processing technology.

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) *Date Report Delivered to Congress:* April 23, 2025

[FR Doc. 2026–00305 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–10]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–10, Policy Justification, and Sensitivity of Technology.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

April 9, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-10, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $1.04 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 25–10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$1.00 billion
Other	$ .04 billion
TOTAL	$1.04 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to two hundred (200) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

Up to two hundred (200) AIM–120D–3 AMRAAMs

Non-Major Defense Equipment:

The following non-MDE items will be included: AMRAAM containers and support equipment; spare parts, consumables, and accessories; repair and return support; weapons system support and software; classified software delivery and support; classified publications and technical documentation; transportation support; studies and surveys; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (AT–D–YAL)

(v) *Prior Related Cases, if any:* None

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* April 9, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—AIM–120C and AIM–120D Advanced Medium Range Air-to-Air Missiles

The Government of Australia has requested to buy up to two hundred (200) AIM–120C–8 Advanced Medium Range Air-to-Air Missiles (AMRAAM); and up to two hundred (200) AIM–120D–3 AMRAAMs. The following non-MDE items will be included: AMRAAM containers and support equipment; spare parts, consumables and accessories, repair and return support; weapons system support and software; classified software delivery and support; classified publications and technical documentation; transportation support; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $1.04 billion.

This proposed sale will support the foreign policy and national security objectives of the U.S. Australia is one of

our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by protecting and increasing aircraft survivability. Australia will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be RTX Corporation, located in Tucson, AZ. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–10

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–120D–3 series Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air-launched, aerial intercept, guided missile featuring digital technology and micro-miniature, and solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets. The AIM–120D–3 features a quadrangle target detection device and an electronics unit within the guidance section that performs all radar signal processing, mid-course and terminal guidance, flight control, target detection, and warhead detonation. Precise positioning will be provided by either Selective Availability Anti-Spoofing Module or M-Code.

2. The AIM–120C–8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air or surface-launched, aerial intercept, guided missile featuring digital technology and micro-miniature, solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets.

3. The AMRAAMs will be integrated on the Royal Australian Air Force (RAAF) combat aircraft platforms, such as the F/A–18, EA–18G, and F–35, along with the ground-based National Advanced Surface-to-Air Missile System (NASAMS).

4. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

6. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

[FR Doc. 2026–00306 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–21]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–21 and Policy Justification.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

April 1, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-21, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Ecuador for defense articles and services estimated to cost $64 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 25–21

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Ecuador

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$64 million
TOTAL	$64 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-Major Defense Equipment:
The following non-MDE items will be included: M4A1 rifles; Magpul PMAG M4 magazines; technical manuals; training and support; and other related elements of logistics and program support.

(iv) *Military Department:* Army (EC–B–UAC)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 1, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Ecuador—M4A1 Rifles and Support

The Government of Ecuador has requested to buy M4A1 rifles. The following non-MDE items will also be included: Magpul PMAG M4 magazines; technical manuals; training and support; and other related elements of logistics and program support. The estimated total cost is $64 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States (U.S.) by improving the security of Ecuador, an important force for political stability and economic progress in South America.

The proposed sale will improve Ecuador's capability to meet current and future threats by improving the ability of its armed forces to conduct and execute military operations to counter transnational organized crime.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be determined after case implementation. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Ecuador.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–00311 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–12]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–12, Policy Justification, and Sensitivity of Technology.

Dated: January 7, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

APR 15 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-12, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Morocco for defense articles and services estimated to cost $825 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 25–12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Morocco

(ii) *Total Estimated Value:*

Major Defense Equipment *	$552 million
Other	$273 million
TOTAL	$825 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to six hundred (600) FIM–92K Stinger Block I missiles

Non-Major Defense Equipment:

The following non-MDE items will also be included: United States U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support.

(iv) *Military Department:* Army (MO–B–UVA)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or*

Defense Services Proposed to be Sold: See Attached Annex

(viii) *Date Report Delivered to Congress:* April 15, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kingdom of Morocco—FIM–92K Stinger Block I Missiles

The Kingdom of Morocco has requested to buy up to six hundred (600) FIM–92K Stinger Block I missiles. The following non-MDE items will also be included: U.S. Government and contractor engineering, logistics, and technical support services; and other related elements of logistics and program support. The estimated total cost is $825 million.

This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of a major non-NATO ally that continues to be an important force for political stability and economic progress in North Africa.

The proposed sale will improve Morocco's capability to meet current and future threats. Morocco intends to use these defense articles and services to modernize its armed forces and expand its existing army short range air defense options. This will contribute to the Moroccan Army's goals of updating capability and further enhancing interoperability with the U.S. and other allies. Morocco will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be RTX Corporation, located in Tucson, AZ; and Lockheed Martin, located in Syracuse, NY. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Kingdom of Morocco.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 25–12

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The FIM–92K Stinger Block I missile is a lightweight, self-contained air defense system that can be rapidly deployed by ground troops. Its seeker and guidance systems enable the weapon to acquire, track, and engage a target with one shot.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Kingdom of Morocco can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed in this transmittal have been authorized for release and export to the Kingdom of Morocco.

[FR Doc. 2026–00308 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 24–1D]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 24–1D.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

December 17, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24-1D. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 09-36 of July 17, 2009.

Sincerely,

Michael F. Miller
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 24–1D

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of Australia

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 09–36

Date: July 17, 2009

Military Department: Air Force

(iii) *Description:* On July 17, 2009, Congress was notified by congressional certification transmittal number 09–36 of the possible sale, under Section 36(b)(1) of the Arms Export Control Act (AECA), to continue participation in the USAF/Boeing Globemaster III Sustainment Partnership (GSP) which consists of support for Australia's fleet of four (4) Boeing C–17A Globemaster III cargo aircraft, contractor technical and logistics personnel services, support equipment, spare and repair parts, and other related elements of logistics support. The estimated cost was $300 million. There was no Major Defense Equipment (MDE) associated with this sale.

On May 19, 2014, Congress was notified by congressional certification transmittal number 14–0C, under section 36(b)(5)(C) of the AECA, of the inclusion of additional Contractor Logistics Support (CLS) to support Australia's fleet of C–17 Globemaster III cargo aircraft, which increased from four (4) to six (6). The total case value was increased by $150 million, resulting in a total case value of $450 million. There was no MDE associated with this sale.

On December 1, 2017, Congress was notified by congressional certification transmittal number 17–0A, under section 36(b)(5)(C) of the AECA, of the further inclusion of additional funding to maintain Australia's participation in the USAF/Boeing Globemaster III Sustainment Partnership (GSP) through 2022. Additionally, Australia's fleet of C–17A Globemaster III cargo aircraft increased from six (6) to eight (8). Support included contractor technical and logistics support services; support equipment; spare and repair parts; and other related elements of logistics support. The total case value increased

by $400 million, resulting in a total case value of $850 million. There was no MDE associated with this sale.

This transmittal reports the addition of the following non-MDE items: Contractor Logistics Support (CLS) services; major modifications and maintenance support; personnel training and training equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total value of the new items is $4.03 billion. The estimated total case value will increase by $4.03 billion to a revised $4.88 billion. There is no MDE associated with this sale.

(iv) *Significance:* This proposed sale will support Australia's ability to effectively maintain its current force projection capability that enhances interoperability with U.S. forces, well into the future.

(v) *Justification:* This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of an important major non-NATO ally and partner which contributes significantly to peacekeeping, humanitarian, and combat operations around the world.

(vi) *Sensitivity of Technology:*

The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

(vii) *Date Report Delivered to Congress:* December 17, 2024

[FR Doc. 2026–00360 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–20]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–20 and Policy Justification.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

April 15, 2025

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-20, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the Philippines for defense services estimated to cost $120 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 25–20

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Philippines

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0
Other	$120 million
TOTAL	$120 million

Funding Source: Foreign Military Financing

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-Major Defense Equipment:

TH–73A training helicopters; aircraft simulator; spare engines; pack up kits; fuel tanks; aircraft hoists and lifts; commercial avionics; commercial flight management systems; commercial Global Positioning Systems; shipping containers; support and test equipment; consumables and accessories; integration and test support; repair and return support; spare and repair parts; unclassified software delivery and support; unclassified publications and technical documentation; personnel training and commercial training equipment; United States (U.S.) Government and contractor engineering, technical, logistics, and transportation support services, including in-country representative support; studies and surveys; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (PI–P–SDJ)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* April 15, 2025

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Philippines—TH–73A Training Helicopters and Support

The Government of the Philippines has requested to buy the following defense articles and services: TH–73A training helicopters; aircraft simulator; spare engines; pack up kits; fuel tanks; aircraft hoists and lifts; commercial avionics; commercial flight management systems; commercial Global Positioning Systems; shipping containers; support and test equipment; consumables and accessories; integration and test support; repair and return support; spare and repair parts; unclassified software delivery and support; unclassified publications and technical documentation; personnel training and commercial training equipment; U.S. Government and contractor engineering, technical, logistics, and transportation support services, including in-country representative support; studies and surveys; and other related elements of logistics and program support. The estimated total cost is $120 million.

This proposed sale will support the foreign policy and national security of the U.S. by helping to improve the security of a strategic partner that continues to be an important force for political stability, peace, and economic progress in Southeast Asia.

The proposed sale will improve the Philippines' capability to meet current and future threats by providing an aircraft platform that will serve as the primary method of improving pilot training and skills, thus helping to ensure the development of a proficient rotary wing aviator corps. The Philippines will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be AgustaWestland Philadelphia Corporation (Leonardo), located in Philadelphia, PA. At this time, the U.S. Government is not aware of any offset agreement proposed in connection with this potential sale. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will require the assignment of up to four additional U.S. Government and up to four U.S. contractor representatives to the Philippines for a duration of up to three years to support helicopter introduction, familiarization, fielding, and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–00323 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 25–01]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Urooj Zahra at (703) 695–6233, *urooj.zahra.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 25–01 and Policy Justification.

Dated: January 8, 2026.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

December 20, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 25-01, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Taipei Economic and Cultural Representative Office in the United States (TECRO) for defense articles and services estimated to cost $30 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

Michael F. Miller
Director

Enclosures:
1. Transmittal
2. Policy Justification

BILLING CODE 6001–FR–C

Transmittal No. 25–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Taipei Economic and Cultural Representative Office in the United States (TECRO)

(ii) *Total Estimated Value:*

Major Defense Equipment *	$26 million
Other	$ 4 million
TOTAL	$30 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Sixteen (16) MK 75 76 mm gun mounts

Non-Major Defense Equipment:
The following non-MDE items will be included: shipping containers; correlated technical assistance to overhaul existing guns to ready for use condition; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (TW–P–LIF)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* December 20, 2024

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States (TECRO)—MK 75 76 mm Gun Mounts

The Taipei Economic and Cultural Representative Office in the United States (TECRO) has requested to buy sixteen (16) MK 75 76 mm gun mounts. The following non-MDE items will be included: shipping containers; technical assistance to overhaul guns to be ready for use; and other related elements of logistics and program support. The estimated total cost is $30 million.

This proposed sale is consistent with United States (U.S.) law and policy as expressed in Public Law 96–8.

This proposed sale serves U.S. national, economic, and security interests by supporting the recipient's continuing efforts to modernize its armed forces and to maintain a credible defensive capability. The proposed sale will help improve the security of the

recipient and assist in maintaining political stability, military balance, and economic progress in the region.

The proposed sale will improve the recipient's capability to meet current and future threats by providing surface and air defenses onboard various ships in inventory. The recipient will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The equipment will be purchased from U.S. stock and then overhauled to be ready for use condition by the U.S. Coast Guard. There are no known offset agreements proposed in connection with this sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the recipient.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2026–00361 Filed 1–9–26; 8:45 am]

BILLING CODE 6001–FR–P

ELECTION ASSISTANCE COMMISSION

Agency Information Collection Activities; Proposals, Submissions, and Approvals; 2026 Election Administration and Voting Survey

AGENCY: Election Assistance Commission.

ACTION: Notice, request for comment.

SUMMARY: In compliance with the *Paperwork Reduction Act* of 1995, the Election Assistance Commission (EAC) announces an information collection and seeks public comment on the provisions thereof. The EAC intends to submit this proposed information collection (2026 Election Administration and Voting Survey, or EAVS) to the Director of the Office of Management and Budget for approval. The 2026 EAVS asks election officials questions concerning voting and election administration, including the following topics: Voter registration; overseas and military voting; voting by mail; early in-person voting; polling operations; provisional voting; voter participation; election technology; election policy; and other related issues.

DATES: Written comments must be submitted on or before March 16, 2026.

Comments: Public 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

ADDRESSES: Comments on the proposed information collection should be submitted electronically via *https://www.regulations.gov* (docket ID: EAC–2026–0001). Written comments on the proposed information collection can also be sent to the U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, *Attn:* EAVS.

Obtaining a Copy of the Survey: To obtain a free copy of the draft survey instrument: (1) Download a copy at *https://www.regulations.gov* (docket ID: EAC–2026–0001); or (2) write to the EAC (including your address and phone number) at U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001, *Attn:* EAVS.

FOR FURTHER INFORMATION CONTACT: Raymond Williams at 202–924–0794, or email *research@eac.gov;* U.S. Election Assistance Commission, 633 3rd Street NW, Suite 200, Washington, DC 20001.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: 2026 Election Administration and Voting Survey; OMB Number Pending.

Needs and Uses

The EAC issues the EAVS to meet its obligations under the Help America Vote Act of 2002 (HAVA) to serve as a national clearinghouse and resource for the compilation of information with respect to the administration of Federal elections; to fulfill both the EAC and the Department of Defense Federal Voting Assistance Program's (FVAP) data collection requirements under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); and meet its National Voter Registration Act (NVRA) mandate to collect information from states concerning the impact of that statute on the administration of Federal elections. In addition, under the NVRA, the EAC is responsible for collecting information and reporting, biennially, to Congress on the impact of that statute. The information the states are required to submit to the EAC for purposes of the NVRA report are found under Title 11 of the Code of Federal Regulations. States that respond to questions in this survey concerning voter registration-related matters will meet their NVRA reporting requirements under 52 U.S.C. 20508 and EAC regulations. Finally, UOCAVA mandates that FVAP work with the EAC and chief state election officials to develop standards for reporting UOCAVA voting information (52 U.S.C. 20302) and that FVAP will store the reported data and present the findings within the congressionally-mandated report to the President and Congress. Additionally, UOCAVA requires that ''not later than 90 days after the date of each regularly scheduled general election for Federal office, each state and unit of local government which administered the election shall (through the state, in the case of a unit of local government) submit a report to the EAC on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such a report available to the general public.'' States that complete and timely submit the UOCAVA section of the survey to the EAC will fulfill their UOCAVA reporting requirement under 52 U.S.C. 20302. In order to fulfill the above requirements, the EAC is seeking information relating to the period from the Federal general election day 2024 +1 through the November 2026 Federal general election. The EAC will provide the data regarding UOCAVA voting to FVAP after data collection is completed. This data sharing reduces burden on local election offices because FVAP does not have to conduct its own data collection to meet its reporting requirements.

Affected Public (Respondents): State or local governments, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

Affected Public: State or local government.

Number of Respondents: 56.

Responses per Respondent: 1.

Estimated Burden per Response: 83 hours per collection, 41.5 hours annualized.

Estimated Total Annual Burden Hours: 4,648 hours per collection, 2,324 hours annualized.

Frequency: Biennially.

Seton Parsons,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2026–00303 Filed 1–9–26; 8:45 am]

BILLING CODE 4810–71–P

FEDERAL MARITIME COMMISSION

[Docket No. 26–01]

20230930–DK–Butterfly–1, Inc., Complainant v. HMM Company Limited, Respondent; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (the ''Commission'') by 20230930–DK–Butterfly–1, Inc. (the ''Complainant'') against HMM Company Limited (the ''Respondent''). Complainant states that the Commission has subject-matter jurisdiction over the complaint pursuant to the Shipping Act of 1984, as amended, 46 U.S.C. 40101 *et seq.,* and personal jurisdiction over Respondent as an ocean common carrier, as defined in 46 U.S.C. 40102(18), that has entered into a service contract, as defined in 46 U.S.C. 40102(21), with Complainant.

Complainant is a corporation existing under the laws of the state of New York with a mailing address in Union, New Jersey.

Complainant identifies Respondent HMM Company Limited as a company existing under the laws of the Republic of Korea with its principal place of business located in Seoul, Korea whose agent in the United States is HMM (America), Inc., a company existing under the laws of the state of Texas with its principal place of business located in Irving, Texas.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c); 41104(a)(2), (10), and (14); and 46 CFR 545.5. Complainant alleges these violations arose from a practice of systematically failing to meet service commitments, the use of coercion to require payment of extracontractual surcharges prior to performance of service commitments, the assessment of demurrage and detention charges during periods of time in which Complainant's ability to pick up or return containers was constrained due to circumstances beyond its control, and other acts or omissions of Respondent.

An answer to the complaint must be filed with the Commission within 25 days after the date of service.

The full text of the complaint can be found in the Commission's electronic Reading Room at *https://www2.fmc.gov/readingroom/proceeding/26-01/.* This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding judge shall be issued by January 4, 2027, and the final decision of the Commission shall be issued by July 16, 2027.

(Authority: 46 U.S.C. 41301; 46 CFR 502.61(c).)

Served: January 2, 2026.

David Eng,

Secretary.

[FR Doc. 2026–00292 Filed 1–9–26; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Interchange Transaction Fees Survey (FR 3064; OMB No. 7100–0344).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 3064.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Interchange Transaction Fees Survey.

Collection identifier*: FR 3064.*

OMB control number: 7100–0344.

General description of collection: The Debit Card Issuer Survey (FR 3064a) collects data from issuers of debit cards (including general-use prepaid cards) that, together with their affiliates, have assets of $10 billion or more, including information regarding the volume and value of debit card transactions; chargebacks and returns; costs of authorization, clearance, and settlement of debit card transactions; other costs incurred in connection with particular debit card transactions; fraud prevention costs and fraud losses; and interchange fee revenue. The Payment Card Network Survey (FR 3064b) collects data from payment card networks, including the volume and value of debit card transactions; interchange fees; network fees; and payments and incentives paid by networks to acquirers, merchants, and issuers.

The data from the FR 3064a and FR 3064b are used to fulfill a statutory requirement that the Board disclose certain information regarding debit card transactions on a biennial basis. In addition, the Board uses data from the Payment Card Network Survey (FR 3064b) to publicly report on an annual basis the extent to which networks have established separate interchange fees for exempt and covered issuers.

Frequency: Annual.

Respondents: Debit card issuers and payment card networks.

Total estimated number of respondents: FR 3064a, 531; FR 3064b, 15.

Estimated average hours per response: FR 3064a, 160; FR 3064b, 75.

Total estimated annual burden hours: FR 3064a, 84,960; FR 3064b, 1,125.

Current actions: On May 29, 2025, the Board published a notice in the **Federal Register** (90 FR 22726) requesting public comment for 60 days on the extension, without revision, of the FR 3064. The comment period for this notice expired on July 28, 2025. The Board received four comments—two from banking industry trade associations, one from a bank holding company, and one from a payment card network.[1] All commenters

[1] The comment letter from the bank holding company endorsed one of the trade association

recommended changes to the Debit Card Issuer Survey (FR 3064a) (the ''DCI survey''), and two recommended changes to the Payment Card Network Survey (FR 3064b) (the ''PCN survey'').

Detailed Discussion of Public Comments

I. DCI Survey

Comments on the DCI survey broadly addressed the following: (A) collecting information on new categories of costs, as well as a detailed list of line items relating to both existing and new cost categories; (B) making certain structural changes to the DCI survey, including with respect to routing methods and fraud; and (C) certain other matters that pertain to the substance of Regulation II or otherwise pertain to the DCI survey only indirectly.

A. Costs Included in the DCI Survey

1. Summary of Comments

Three commenters asserted that the information collected through the DCI survey is too limited and thus provides an incomplete picture of costs incurred by debit card issuers. Commenters proposed that the Board collect data on certain new categories of costs not currently included in the DCI survey, such as: international fraud losses; card maintenance costs; program setup, infrastructure, and account maintenance costs; research, development, and technology costs; compliance and regulatory costs; periodic statement and account information costs; consumer impact metrics; and an open-ended category of ''other'' costs.

Two commenters suggested a list of about 40 specific line items that relate to both existing and new cost categories. With respect to existing cost categories, commenters suggested line items related to fraud losses and fraud-prevention costs; transaction processing and network costs; cardholder inquiry costs; cardholder rewards costs; capital and fixed costs; and third-party service provider costs.[2] With respect to new cost categories, commenters suggested line items related to card maintenance costs; program setup, infrastructure, and account maintenance costs; research, development, and technology costs; compliance and regulatory costs; periodic statement and account information costs; and ''other'' costs.[3]

Four commenters raised issues related to technology-specific costs. Three commenters recommended including a new cost category for costs related to tokenization and digital wallets, noting the increased popularity of digital wallets. One commenter suggested edits to the definition of ''third-party processing fees'' to expressly include fees related to third-party service providers that are digital wallet operators; the same commenter also suggested edits to the definition of ''transaction monitoring costs'' to expressly include, in addition to neural networks and fraud-scoring systems, a catchall reference to other technologies. The commenter also suggested including an additional list of examples to the definition of ''total fraud-prevention and data-security costs,'' including EMV and contactless card technology, tokenization technology, machine learning and artificial intelligence, technology to allow customers to enable or disable their debit cards, technologies for cardholder authentication, and others.

Two commenters expressed the view that the DCI survey is narrowly focused on costs incurred by issuers and suggested that the Board should also capture the costs incurred by other parties to debit card transactions. With respect to consumers, commenters noted that the DCI survey is not an accurate reflection of consumer costs and suggested that the Board collect data on changes in the availability and terms of free checking accounts and debit card rewards, and changes in consumer fees related to debit card use. With respect to merchants, commenters stated that payment processing fees have emerged as a leading cost to merchants, encompassing a significant portion of fees paid by merchants to accept debit card transactions, and suggested that the DCI survey capture the third-party processor costs incurred by merchants.

2. Response

The Board has determined to retain the costs included in the DCI survey without change.[4] The categories of costs collected through the DCI survey generally comprise those costs the Board considered in connection with the adoption of the interchange fee cap in the Board's Regulation II (12 CFR part 235), but also include certain additional costs that provide broader context for costs incurred by issuers in the course of effecting debit card transactions.[5] The Board believes that the costs currently included in the DCI survey remain sufficient to allow the Board to administer Regulation II, as adopted, and release summary and aggregate information as appropriate in the public interest.[6] Further, the Board does not believe that the increased burden on respondents of responding to a large number of additional items is necessary for the proper performance of these statutory functions. Some new cost categories suggested by commenters (such as account maintenance costs, regulatory compliance costs, and periodic statement and account information costs), as well as specific line items (such as development and distribution of account terms and required disclosures, costs of legal, audit, and regulatory reporting, providing transaction details on paper or electronic statements, and online access to account and transaction

letters. They are treated as two separate comment letters herein.

[2] For example, with respect to fraud losses and fraud prevention costs, commenters proposed line items for fraud-prevention costs, fraud detection and monitoring, fraud losses, costs of developing and implementing anti-fraud technologies, data breach-related losses, and costs of fraud monitoring required to facilitate debit card issuing activities. With respect to transaction processing and network costs, commenters proposed line items for authorization costs, costs of transaction monitoring during authorization, clearing and settlement costs, network fees, costs of posting transactions to customer accounts, costs of storage and recordkeeping of transaction information, and transaction security costs.

[3] For example, with respect to program setup, infrastructure, and account maintenance costs, commenters proposed line items for costs of agreements with debit card networks, costs of development and distribution of account terms and required disclosures, costs of system setup for transaction processing, account setup costs specific to debit card functionality, account maintenance costs related to debit card programs, and funds loading costs. With respect to compliance and regulatory costs, commenters proposed line items for compliance costs related to debit transactions and costs of legal, audit, and regulatory reporting functions specific to debit cards. With respect to periodic statement and account information costs, commenters proposed line items for costs of providing transaction details on paper or electronic statements and costs of online access to account and transaction information for cardholders.

[4] The Board discussed costs included and not included in establishing the interchange fee cap when the Board adopted Regulation II in 2011. *See* 76 FR 43394, 43427–31 (July 20, 2011) (the ''Adopting Release''). The Board does not express any additional views on which costs must, may, or may not be considered by the Board in establishing interchange fee standards.

[5] Since the Board's initial 2010 voluntary survey of large debit card issuers (collecting information regarding transactions performed in 2009), the Board has collected data on cardholder rewards, NSF funds handling, and cardholder inquiries, none of which costs the Board considered when establishing the interchange fee cap. Starting with the 2011 DCI survey, the Board included the subset of customer service costs associated with cardholder inquiries regarding particular debit card transactions. 76 FR 79184 (Dec. 21, 2011).

[6] The Board is required by statute to (i) prescribe interchange fee standards and (ii) on at least a bi-annual basis, disclose such aggregate or summary information concerning the costs incurred, and interchange transaction fees charged or received, by debit card issuers in connection with the authorization, clearance, or settlement (''ACS'') of debit card transactions as the Board considers appropriate and in the public interest. *See* 15 U.S.C. 1693*o*–2(a)(3).

information for cardholders), include costs that are not incurred by issuers in the course of effecting debit card transactions, as discussed in the Adopting Release issued by the Board in 2011.[7] Other new cost categories suggested by commenters (such as consumer and merchant costs), as well as specific line items (such as the availability and terms of free checking accounts), are not incurred by debit card issuers at all or are not incurred by banks in their capacity as debit card issuers.[8] In addition, some costs may or may not be subcategories of existing costs, and it is not clear whether all costs are mutually exclusive or how they would be defined.[9]

With respect to technology-specific comments, the Board also does not believe it is necessary to add a new line item for tokenization and digital wallet costs. However, the Board believes that it is appropriate to clarify that the DCI survey is intended to be technology neutral. So long as the costs incurred by a debit card issuer associated with a particular technology fall within the scope of a question on the DCI survey, those technology costs are already reportable, regardless of the technology involved. For example, although the definition of ''transactions monitoring costs'' refers specifically to the costs of neural networks and fraud-risk scoring systems as examples, those examples are not intended to be limiting so long as the cost otherwise falls within the definition of transactions monitoring costs. Similarly, costs associated with tokenization and digital wallets are already reportable so long as they fall within the scope of a question in the DCI survey. To avoid any confusion with respect to the definition of transactions monitoring costs, the Board has clarified in the instructions to the DCI survey that transactions monitoring costs include, but are not limited to, the costs of neural networks and fraud-risk scoring.

B. Structural Changes to the DCI Survey

1. Summary of Comments

Three commenters addressed ways in which the Board could restructure aspects of the DCI survey. One commenter asked the Board to remove Sections III and IV of the DCI survey, which require issuers to distinguish between single-message (''SM'') and dual-message (''DM'') debit card transactions, respectively. The commenter asserted that Sections III and IV impose burden on debit card issuers but do not provide actionable insights aligned with the survey's goals. The commenter suggested that the Board instead distinguish between ''legacy four-party systems'' and ''alternative networks'' and collect only volume and transaction data specific to routing over alternative networks (regardless of message format).

One commenter suggested that the Board eliminate the separate collection of volume and value data for card-present (''CP'') and card-not-present (''CNP'') transactions. The commenter stated that the distinction between CP and CNP transactions no longer reliably reflects ACS costs nor serves as an accurate proxy for routing options. The commenter explained that CP transactions were traditionally associated with magnetic stripe and chip card use, whereas CNP transactions were typically key-entered and associated with catalog and phone purchases, but that transactions today defy CP and CNP categories. The commenter further explained that, today, card entry can include magnetic stripe, chip, manual key entry, card-on-file, and tokenization. It also notes that the expansion of PINless debit has made it possible to route CNP transactions through payment card networks that traditionally required a PIN. Given the change in the payments landscape and the fact that a single interchange fee cap applies to all transaction types, the commenter argued that it is unnecessary to split debit card data by CP and CNP.

One commenter addressed the DCI survey's reporting requirements for fraudulent debit card transactions. The commenter asserted that requiring issuers to separately report information for different fraud types does not provide practical utility in relation to routing.[10] In addition, the commenter stated that many community banks do not have sufficient access to granular data to report the specified subcategories. The commenter also noted that the term CNP is now increasingly obsolete, that some categories may not be mutually exclusive, and that the subcategory for counterfeit fraud is no longer necessary in light of the widespread adoption of EMV chip technology. As an alternative, the commenter encouraged the Board to align the categories of fraud on the DCI survey with the Federal Reserve's FraudClassifier[SM] model.[11]

One commenter requested that the Board eliminate a requirement to report in-house costs as a subset of a debit card issuer's ACS costs.[12] The commenter stated that community banks overwhelmingly rely on core processors for data storage and reporting and that, as a result, it is difficult for community banks to identify in-house processing costs. The commenter also stated that the instructions to the DCI survey for calculating in-house costs do not align with how community banks record or account for operational expenses and that they unable to isolate in-house costs.

2. Response

The Board has determined that it will retain Sections III and IV of the DCI survey (requiring issuers to separately report information for SM and DM transactions) and continue to require separate reporting of volume and value for CP and CNP transactions. With respect to the specific suggestion that the Board replace SM and DM with alternative and legacy networks, the Board believes it is appropriate to use neutral terms to distinguish between transaction types and that many networks are capable of processing both SM and DM transactions. With respect to the suggestion that certain transactions defy CP and CNP categories, the Board understands that networks continue to distinguish between CP and CNP transactions and believes that the definitions of ''card-present transaction'' and ''card-not-present transaction'' in the DCI survey remain clear for the vast majority of transactions.

More broadly, the Board believes that there continues to be value to the Board, Congress, and the broader public in collecting and reporting on data specific

[7] *See* Adopting release at 43428.

[8] The Board has statutory authority to collect information from debit card issuers and payment card networks. With respect to debit card issuers and payment card networks, the Board's statutory authority relates to costs incurred, and interchange fees charged or received, by issuers or payment card networks in connection with the ACS of electronic debit transactions. *See* 15 U.S.C. 1693*o*–2(a)(3)(B).

[9] Two commenters noted that banking industry trade associations collect data on costs not included in the DCI survey, but they do not indicate how the trade associations define those costs or the entities from whom they collect those data.

[10] Currently the DCI survey requires debit card issuers to report fraud data according to the following categories: (1) all fraudulent transactions; (2) CNP fraud; (3) counterfeit fraud; (4) lost and stolen card fraud; and (5) other.

[11] The FraudClassifier model includes categories for fraud authorized by the defrauded party (which is not collected through the DCI survey) and unauthorized fraud (which is collected through the DCI survey). Within the category of unauthorized fraud, the FraudClassifier model distinguishes between fraud involving compromised credentials, impersonation of an authorized party, physical alteration, digital payment, and physical forgery/counterfeit. *See* About the FraudClassifier Model √ FedPayments Improvement, *available at https://fedpaymentsimprovement.org/strategic-initiatives/payments-security/fraudclassifier-model/.*

[12] The DCI survey requires debit card issuers to separate authorization, clearance, and settlement costs into (1) in-house costs, (2) third-party processing fees, and (3) network processing fees.

to SM and DM transactions and CP and CNP transactions. As shown in the Board's reports, the data show significant differences between SM and DM transactions across a variety of metrics, such as volumes and values, interchange fees, incentives, network fees, and fraud. The reports also show meaningful differences between CP and CNP transactions. The Board believes that not reporting these distinctions would deprive the public of information regarding a significant feature of the debit card market. At a minimum, the Board believes that, in the event the Board were to consider future streamlining of the survey to eliminate the distinction between SM and DM transactions and CP and CNP transactions or different ways to categorize transactions altogether, it would be important to solicit feedback from a broader range of stakeholders on those specific changes.

In addition, data regarding SM and DM transactions and CP and CNP transactions provided the Board with insight into gaps in merchant routing choice for CNP transactions. This information prompted the Board to amend Regulation II in 2022 to specify that the requirement that each debit card transaction must be able to be processed on at least two unaffiliated payment card networks applies to CNP transactions, and clarify the requirement that debit card issuers ensure that at least two unaffiliated networks have been enabled to process a debit card transaction.[13] Continued collection of this data will permit the Board to monitor changes made by debit card issuers in response to these routing amendments.

With respect to fraud, the current subcategories continue to assist the Board in monitoring and reporting on trends in debit card fraud. Although one commenter stated that certain fraud categories are of diminished value, data from the most recent bi-annual report show that each of counterfeit, CNP, and lost and stolen card fraud continues to be a significant source of fraud and that the distribution of fraud across those account types differs between SM and DM transactions.[14] The Board believes that not reporting on different types of fraud would deprive the public of information regarding an important aspect of the debit card market. In addition, while the Board recognizes that some issuers may have difficulty obtaining the data necessary to accurately report data on different subcategories of fraud, the typical issuer does not appear to consistently experience these issues. The Board also recognizes that there are instances in which fraud may be difficult to classify under a single category. As noted in the instructions to the DCI survey, a debit card issuer may report in a manner consistent with the way that the issuer categorizes fraud losses.

The Board appreciates comments that the Board should update the DCI survey to align with the FraudClassifier model, but believes it is premature to revisit the subcategories included in the DCI survey. On June 20, 2025, the Board, Office of the Comptroller of the Currency, and Federal Deposit Insurance Corporation published a request for information (''RFI'') on potential actions to address payments fraud.[15] The RFI, which focused on check, automated clearing house, wire, and instant payments fraud, includes a section on payments fraud data collection and information sharing, in which the agencies note that standardizing payments fraud data collection, along with further information sharing, could provide a more comprehensive understanding of the prevalence and impact of payments fraud. In the RFI, the agencies also asked a number of questions regarding payments fraud data, including on how data collection could be improved and whether the Federal Reserve System could better leverage or improve the FraudClassifier and ScamClassifier™ models.[16] The Board is carefully reviewing comments received on the RFI, and, although the RFI did not focus on debit card fraud, responses to the RFI may inform potential future changes to how debit card fraud data is collected through the DCI survey. In addition, to the extent that the Board does, in the future, consider new subcategorization for fraud for purposes of the DCI survey, the Board believes that such a proposal would benefit from public comment on potential changes in this area.

With respect to in-house costs, the Board has determined to retain the breakdown of ACS costs by in-house costs, third-party processing fees, and network processing fees. As with subcategories of fraud costs, the Board recognizes that some issuers may have difficulty obtaining the data necessary to accurately report data on in-house costs, but the typical issuer does not appear to experience these issues. Further, the Board uses this data to report information on in-house costs, third-party processing fees, and network fees across low-, mid-, and high-volume issuers (including as a percentage of total ACS costs and on a per-transaction basis). The Board notes that there are different ways in which debit card issuers process transactions and that not reporting these distinctions would deprive the public of information regarding a significant feature of the debit card market. In addition, eliminating a cost breakdown for in-house costs would not eliminate the need for debit card issuers to identify and report those costs as part of their overall ACS costs.

C. Other Matters

The Board received a number of comments on matters that either do not pertain to the DCI survey or that involve the DCI survey only insofar they involve the substance of Regulation II itself. Comments in this category include comments on the merits of Regulation II and the statute pursuant to which the Board adopted Regulation II; comments regarding the costs that the Board must or should consider when establishing interchange fee standards; comments regarding the publication date of the 2023 data previously collected by the Board;[17] and comments recommending publication of information regarding the number and completeness of responses to the DCI survey. The Board is not addressing these out-of-scope comments at this time.

One commenter asked the Board to update the instructions to the DCI survey to clarify what it means for a merchant to be located in the United States (for example, in the context of online transactions). The Board does not believe it would be appropriate to use the instructions to the DCI survey to address this issue because whether a merchant is located in the United States relates not only to the survey but also to whether Regulation II applies to a particular transaction.

II. PCN Survey

1. Summary of Comments

Two commenters provided comments with respect to the PCN survey. One commenter expressed support for the collection of data from small issuers through payment card networks.[18] The

[13] *See generally* 87 FR 61217 (Oct. 11, 2022).

[14] *See* 2021 Interchange Fee Revenue, Covered Issuer Cost, and Covered Issuer and Merchant Fraud Loss Related to Debit Card Transactions (Oct. 2023).

[15] 90 FR 26293 (June 20, 2025). The comment period ended on September 18, 2025.

[16] *Id.* at 26297.

[17] The Board intends to publish the report on the 2023 data by the end of 2025.

[18] When the Board adopted the interchange fee cap in 2011, the Board stated that the Board was taking steps to allow the Board to monitor and report to Congress on the effectiveness of the small issuer exemption, including by surveying payment card networks annually and publishing annually a

Continued

commenter also generally stated that many of its comments to the DCI survey also applied to the PCN survey, likely including the commenter's suggestion that the Board eliminate the distinction between CP and CNP transactions and SM and DM networks.

One commenter recommended reducing the frequency of the PCN survey, from every year to every two years. The commenter noted that annual reporting is no longer needed to achieve the Board's original purpose for requiring the PCN survey annually and that the commenter estimated that it takes at least 270 hours to complete the survey.

One commenter asked the Board to expand the reporting panel for the PCN survey to include ''payment facilitators.'' [19] The commenter argued that payment facilitators fall within the definition of payment card network in Regulation II and stated that payment facilitators play a critical role in the payment ecosystem but are not part of the reporting panel.

2. Response

With respect to the distinction between CP and CNP transactions and SM and DM networks, the Board believes that there continues to be value in collecting data specific to CP and CNP transactions and SM and DM networks, as discussed above.

With respect to the burden on respondents of responding to the PCN survey, the Board appreciates feedback on the number of hours it takes to complete the PCN survey each year. The Board's burden calculations reflect an estimate of the average burden on respondents, and the Board may consider updating its current estimate of average burden if additional respondents comment on its accuracy in the future.

In addition, with respect to the frequency of the PCN survey, the Board continues to believe that annual reporting is useful in connection with monitoring the effectiveness of Regulation II's small issuer exception at this time. Notably, in recent years, the average interchange fee received for exempt transactions has increased materially relative to the average interchange fee received for covered transactions, and the PCN survey is the Board's only source of this data.[20] However, the Board acknowledges the effort spent by payment card networks to complete the PCN survey annually. The Board may revisit the frequency of the survey in the future; if the Board does revisit the issue, the Board would intend to seek public comment from various stakeholders.

Finally, the Board has determined not to expressly state in the survey instrument that payment facilitators are required to complete the PCN survey. Whether or not an entity is required to complete the PCN survey is determined by whether the entity is a ''payment card network'' as defined in Regulation II (which definition largely reflects the statutory definition and has been in place since 2011) and clarified in the Official Board Commentary on Regulation II.[21] Any entity that fits within this definition is a ''payment card network'' for the purposes of Regulation II and is responsible for fulfilling the requirements applicable to payment card networks set forth in Regulation II, including the mandatory reporting through the PCN survey. The Board does not believe that the PCN survey is the appropriate context for identifying particular entities or types of entities that meet the definition of ''payment card network'' for purposes of Regulation II, and the Board expresses no view as to whether the particular payment facilitators referred to by the commenter are in fact payment card networks.

The Board will adopt the extension, without revision of the FR 3064 as originally proposed.

Board of Governors of the Federal Reserve System, January 8, 2026.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026–00391 Filed 1–9–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Applications for Employment with the Board of Governors of the Federal Reserve System (FR 28; OMB No. 7100–0181).

DATES: The revisions are effective February 11, 2026.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 28.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Information Collections

Collection title: Applications for Employment with the Board of Governors of the Federal Reserve System.

Collection identifier: FR 28.

OMB control number: 7100–0181.

General description of collection: The forms that comprise the FR 28 are used to manage the Board's hiring process by collecting needed information on candidates. The FR 28a (Application for Employment), is used to examine, rate,

list of the average interchange fees each network provides to covered issuers and exempt issuers. Adopting Release at 43436.

[19] The commenter defined ''payment facilitator'' as an entity that offers proprietary services and technological infrastructure to route transactions and settle funds and charge merchants for these services.

[20] *See* Federal Reserve Board, Regulation II (Debit Card Interchange Fees and Routing): Average Debit Card Interchange Fee by Payment Card Network (2024), *https://www.federalreserve.gov/paymentsystems/regii-average-interchange-fee.htm.*

[21] *See* 12 CFR 235.2(m); 12 CFR part 235 Appendix A, § 235.2(m).

or assess the applicant's qualifications, and to contact the applicant to arrange an interview. The FR 28a can be completed either online in two parts (the Initial Application portion and, if selected for an interview, the Interview Selection portion) or in its entirety as a PDF. The FR 28s (Applicant's Voluntary Self-Identification) is used for equal employment opportunity recordkeeping, reporting, and self-evaluation of hiring practices. The FR 28i (Research Assistant Application) is a supplement to the FR 28a and is used to collect contact information for an application for employment as a Research Assistant (RA), including to help match an RA candidate's interests with the different research areas at the Board and determine the applicants' data analysis and programming experience. The FR 28c (Pre-Hire Conflict of Interest Screening Form) is used to ensure advance knowledge of a prospective employee's potential conflicts of interest.

Frequency: Event-generated.

Respondents: Individuals seeking employment with the Board.

Total estimated number of respondents: FR 28a (Initial Application), 32,600; FR 28a (Interview Selection), 1,769; FR 28a (PDF), 238; FR 28s, 32,838; FR 28i, 330; FR 28c, 2007; FR 28r, 650.

Estimated average hours per response: FR 28a (Initial Application), 0.48; FR 28a (Interview Selection), 1.51; FR 28a (PDF), 1.69; FR 28s, 0.02; FR 28i, 0.91; FR 28c, 0.62; FR 28r, 0.34.

Total estimated change in burden: −62.

Total estimated annual burden hours: 21,143.

Current actions: On July 16, 2025, the Board published a notice in the **Federal Register** (90 FR 32009) requesting public comment for 60 days on the extension, with revision, of the FR 28. The Board proposed to revise the FR 28a by removing one data field. The Board proposed to revise the FR 28s by changing one data field. The Board proposed to revise the FR 28i by adding eight new data fields and removing one data field, and to revise the FR 28c by adding a new section to the form and updating the language of several of the questions for readability and to include questions about financial assets not previously contemplated due to technological changes that have occurred. Lastly, the Board proposed to revise the FR 28 clearance to include a new Reference Check Form (FR 28r). The comment period for this notice expired on September 15, 2025. The Board did not receive any comments. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, January 8, 2026.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026–00387 Filed 1–9–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to implement the Discrimination Complaint Forms (FR 1413; OMB No. 7100–NEW).

DATES: The implementation is effective February 11, 2026.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 1413.

Final Approval Under OMB Delegated Authority of the Implementation of the Following Information Collection

Collection title: Discrimination Complaint Forms.

Collection identifier: FR 1413.

OMB control number: 7100–NEW.

General description of collection: The FR 1413 consists of two forms: the Pre-Complaint of Discrimination (FR 1413A) and the Formal Complaint of Discrimination (FR 1413B). These forms are used by individuals alleging discrimination by the Board while they were either applying for or had separated from employment with the Board.

Frequency: Event-generated.

Respondents: Individuals.

Total estimated number of respondents: FR 1413A, 1; FR 1413B, 3.

Total estimated annual burden hours: 3.

Current actions: On December 6, 2024, the Board published a notice in the **Federal Register** (89 FR 96977) requesting public comment for 60 days on the implementation of the FR 1413. The comment period for this notice expired on February 4, 2025. The Board did not receive any comments relevant to this collection or to the PRA. However, the Board has made additional *de minimis* changes to the forms to reflect updates to the Board's EEO policy since the end of the public comment period.

Board of Governors of the Federal Reserve System, January 8, 2026.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026–00389 Filed 1–9–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Intermittent Survey of Businesses (FR 1374; OMB No. 7100–0302).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve

System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. The OMB inventory, as well as copies of the PRA Submission, supporting statements (which contain more detailed information about the information collections and burden estimates than this notice), and approved collection of information instrument(s) are available at *https://www.reginfo.gov/public/do/PRAMain.* These documents are also available on the Federal Reserve Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 1374.

Final Approval Under OMB Delegated Authority of the Extension for Three Years, Without Revision, of the Following Information Collection

Collection title: Intermittent Survey of Businesses.

Collection identifier: FR 1374.

OMB control number: 7100–0302.

General description of collection: The FR 1374 survey data are used to gather information to enable the Federal Reserve System to carry out its policy and operational responsibilities. Under the guidance of the Board, Reserve Banks survey business contacts as economic developments warrant. Usually, these voluntary surveys are conducted using an online survey tool, such as Qualtrics, to collect responses by purchasing managers, economists, or other knowledgeable individuals at selected, relevant businesses and occasionally state and local governments. Occasionally, the survey will be conducted via telephone or email as needed. The frequency and content of the questions, as well as the entities contacted, vary depending on developments in the economy. These surveys are conducted to provide Board members and Reserve Bank presidents real-time insights into economic conditions. The Board tailors these survey questions to match current concerns and interests, but they are not meant to supplant the more rigorous, existing economic reporting. The Board collects aggregate responses from the Reserve Banks and then distributes the information to Board members and Reserve Bank presidents.

Frequency: Annual, but it may be conducted up to three times a year depending on developments in the economy.

Respondents: Businesses, and as warranted by economic conditions, state and local governments.

Total estimated number of respondents: 1,500.

Total estimated annual burden hours: 1,125.

Current actions: On July 16, 2025, the Board published a notice in the **Federal Register** (90 FR 32008) requesting public comment for 60 days on the extension, without revision, of the FR 1374. The comment period for this notice expired on September 15, 2025. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, January 8, 2026.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026–00388 Filed 1–9–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to extend for three years, with revision, the Census of Finance Companies and Other Lenders and Survey of Finance Companies (FR 3033p and FR 3033s; OMB No. 7100–0277).

DATES: Comments must be submitted on or before March 13, 2026.

ADDRESSES: You may submit comments, identified by FR 3033p and FR 3033s, by any of the following methods:

- *Agency website: https://www.federalreserve.gov/apps/proposals/.* Follow the instructions for submitting comments, including attachments. *Preferred Method.*
- *Mail:* Benjamin W. McDonough, Deputy Secretary and Ombuds, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.
- *Hand Delivery/Courier:* Same as mailing address.
- *Other Means: publiccomments@frb.gov.* You must include the OMB number or the FR number in the subject line of the message.

Comments received are subject to public disclosure. In general, comments received will be made available on the Board's website at *https://www.federalreserve.gov/apps/proposals/* 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. Public comments may also be viewed electronically or in person in Room M–4365A, 2001 C St. NW, Washington, DC 20551, between 9 a.m. and 5 p.m. during Federal business weekdays.

Additionally, commenters may send a copy of their comments to the Office of Management and Budget (OMB) Desk Officer for the Federal Reserve Board, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503, or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, *nuha.elmaghrabi@frb.gov,* (202) 452–3884.

SUPPLEMENTARY INFORMATION: On June 15, 1984, OMB delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collections of information conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

During the comment period for this proposal, a copy of the proposed PRA OMB submission, including the draft reporting form and instructions, supporting statement (which contains more detail about the information collection and burden estimates than

this notice), and other documentation, will be made available on the Board's public website at *https://www.federalreserve.gov/apps/reportingforms/review* or may be requested from the agency clearance officer, whose name appears above. On the page displayed at the link above, you can find the supporting information by referencing the collection identifier, FR 3033p and FR 3033s. Final versions of these documents will be made available at *https://www.reginfo.gov/public/do/PRAMain,* if approved.

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Board's functions, including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Board should modify the proposal.

Proposal Under OMB Delegated Authority To Extend for Three Years, With Revision, the Following Information Collection

Collection title: Census of Finance Companies and Other Lenders and Survey of Finance Companies.

Collection identifier: FR 3033p and FR 3033s.

OMB control number: 7100–0277.

General description of collection: The FR 3033 information collection (the quinquennial) consists of the Census of Finance Companies and Other Lenders (FR 3033p), which the Board revised in May 2025, as well as the Survey of Finance Companies (FR 3033s), which the Board is revising at this time. The FR 3033p is the first part of a two-stage survey series, which has been conducted at a regular five-year interval since 1955. The second part of this information collection, the FR 3033s, collects balance sheet data on major categories of consumer and business credit receivables and major liabilities, along with income and expenses, and is used to gather information on the scope of the company's operations and loan and lease activities. In addition, questions were added to assess the current geographical penetration and online presence of finance companies. From the universe of finance companies determined by the FR 3033p, a stratified random sample of 3,000 finance companies will be drawn for the FR 3033s. This survey will be sent in April 2026 and will collect information as of December 31, 2025. The data collected from this voluntary survey will be used for two purposes: to benchmark the consumer and business finance series collected on the monthly Domestic Finance Company Report of Consolidated Assets and Liabilities (FR 2248; OMB No. 7100–0005) which in turn serves as an input to the following statistical releases: *Finance Companies* (G.20), *Consumer Credit* (G.19) and *Financial Accounts of the United States* (Z.1), and to increase the Federal Reserve's understanding of an important part of the financial system.

Proposed revisions: The Board proposes to revise the FR 3033s to improve clarity, simplify the form overall, and collect information on the activities of finance companies. The overall result is a net removal of seven items from the survey. The FR 3033p is not being revised as part of this clearance. The FR 3033s revisions, which would be effective for the April 2026 survey date, include:

A. *Removals:*

- Removing 5 real estate loan items (3.A.1.a through 3.A.3).
- Removing items 8.A and 8.B.
- Removing items 11.A and 11.B.
- Removing 3 questions, 13.A through 13.C, as they were special topic questions added for the 2021 survey.

B. *Revisions:*

- Revising general survey instructions and item descriptions for clarity.
- Revising the benchmark date to December 31, 2025.
- Revising any references to ''capital leases'' to ''finance leases.'' In lease accounting, under the ASC 842 standard, what was previously termed a capital lease is now referred to as a finance lease.
- Revising item 7.C to say ''Notes, Bonds, Debentures, and Non-Recourse Debt.'' This is a catch-all bucket for all other short- and long-term debt not elsewhere classified.
- Revising item 7.D to say ''Debt Due to Affiliates.''
- Renumbering item 8.C to 8.
- Revising item 10.F to say ''Marketing Cost (*e.g.,* Advertising and Publicity)''. The term ''marketing'' can encompass a broader range of activities and costs and help align better with the 10K form.
- Revising Question 12 and renumbering it to 3.B.4.a so that it is placed next to the relevant item 3.B.4. It assesses the extent of offerings of consumer credit products by the finance company industry. This placement also makes it feasible to identify specialty finance companies and facilitate analysis of profitability at such companies.

3.B.4.a. If your company owns Other Consumer Loans, select all the types available:

❖ Mobile home loans [ ] Yes [ ] No
❖ Motor vehicle title loans [ ] Yes [ ] No
❖ Pawn loans [ ] Yes [ ] No
❖ Payday loans [ ] Yes [ ] No

C. *Additions:*

- Adding an item for ''Real Estate Loans'' in section 3.A as question 3.A.1. This positioning is the result of consolidating all the real estate loan items (3.A.1.a through 3.A.3), which are being removed.
- Adding a Question 11.A to assess the current geographical penetration of finance companies and help contribute to the understanding of the structure of finance companies.

11.A. Does your company extend loans and leases in only one state in the U.S.?

▪ Yes
▪ No, in more than one state
▪ Don't know

- Adding a Question 11.B to assess the current online presence of finance companies. It would help shed light on the trends in the online expansion of finance companies. It would also contribute to the understanding of the implications of financial technology in this sector.

11.B. Does your company extend 50% or more of the loans and leases online?

▪ Yes
▪ No
▪ Don't know

- Adding a Question 12 to quantify the extent of securitization by finance companies. Since the 2020 Quinquennial Survey of Finance Companies, information on the securitized off-book loans managed by finance companies is no longer being asked. Anecdotal evidence suggests that

finance companies are increasingly relying on securitization as an alternative funding vehicle.

12. Did your company securitize loans in 2025?

- Yes
- No
- Don't know

• Adding a Question 13 to assess respondents' interest in joining the FR 2248 panel of reporters. It would make panel participation easier and improve the panel recruitment effort and outcome.

13. A panel of finance companies report assets and liabilities to the Federal Reserve on a monthly or quarterly basis. The form they use is available for preview at *https://www.federalreserve.gov/apps/reportingforms/Report/Index/FR_2248.* The panel's frequent and timely information helps the industry participants and policymakers. Is your company interested in joining the panel?

- Yes
- No, not presently
- Maybe

Frequency: Quinquennially.

Respondents: Finance companies.

Total estimated number of respondents: 8,800.

Total estimated change in burden: (244).

Total estimated annual burden hours: 3,512.

Board of Governors of the Federal Reserve System, January 8, 2026.

Erin M. Cayce,

Assistant Secretary of the Board.

[FR Doc. 2026–00390 Filed 1–9–26; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

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 the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

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 11, 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. *Associated Banc-Corp, Green Bay, Wisconsin;* to merge with American National Corporation and thereby indirectly acquire American National Bank, both of Omaha, Nebraska.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2026–00369 Filed 1–9–26; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: January 27, 2026 at 10:00 a.m. ET.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1–202–599–1426, Code: 503 014 771#; or via web *https://www.frtib.gov/.*

FOR FURTHER INFORMATION CONTACT: James Kaplan, Director, Office of External Affairs, (202) 864–7150.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the December 18, 2025, Board Meeting Minutes
2. Monthly Reports
   (a) Participant Report
   (b) Legislative Report
3. Quarterly Reports
   (c) Investment Review
   (d) Budget Review
   (e) Audit Status
4. Recordkeeper Service Update
5. Roth In-Plan Conversion
6. Annual Expense Ratio Review
7. Internal Audit Update
8. Full Withdrawal Survey
9. Annual Office Update—Office of Planning and Risk

Closed Session

10. Information covered under 5 U.S.C. 552b (c)(9)(B).

Authority: 5 U.S.C. 552b(e)(1).

Dated: January 8, 2026.

Dharmesh Vashee,

General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2026–00322 Filed 1–9–26; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice-IEB–2026–01; Docket No. 2026–0002; Sequence No. 01]

Privacy Act of 1974; Notice of a Modified System of Records

AGENCY: General Services Administration (GSA).

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, notice is given that the General Services Administration (GSA) proposes to modify an existing system of records, entitled GSA/PPFM–11, Pegasys. This system of records is directed to the records within GSA's financial management system. Pegasys is GSA's financial management system of record for financial transactions and reporting utilized for its main business lines including the Federal Acquisition Service (FAS), Public Buildings Service (PBS), and General Management and Administrative Offices.

DATES: Submit comments on or before February 11, 2026. This notice is effective upon publication; however, the new or modified routine uses of this action will be active on February 11, 2026.

ADDRESSES: Comments may be submitted to the Federal eRulemaking

Portal, *http://www.regulations.gov*. Submit comments by searching for GSA/PPFM–11, Pegasys.

FOR FURTHER INFORMATION CONTACT: Call or email Richard Speidel, Chief Privacy Officer at 202–969–5830 and *gsa.privacyact@gsa.gov*.

SUPPLEMENTARY INFORMATION: GSA proposes to modify a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a.

As background, the General Services Administration re-acquired full ownership and responsibility of the Pegasys system from USDA in 2023. The records had previously been managed under USDA/OCFO–10 Financial Systems from 2016 to 2023 and have been managed under the previous version (October 2006, revised January 2014) of this SORN since then. The History section contains additional information related to the disposition of these records.

GSA is adding three routine uses (h, i, and j) to include those uses related to both forwarding information to a member of Congress and breach investigation. GSA is also adding a routine use in accordance with OMB M–25–32 (k). Moreover, GSA is making minor grammatical changes to routine uses a, b, and g to clarify the intent of those uses. GSA is also making technical changes to GSA/PPFM–11 consistent with the template laid out in OMB Circular No. A–108. Accordingly, GSA has made technical corrections and non-substantive language revisions to the following sections: ''Policies and Practices for Storage of Records,'' ''Policies and Practices for Retrieval of Records,'' ''Policies and Practices for Retention and Disposal of Records,'' ''Administrative, Technical and Physical Safeguards,'' ''Record Access Procedures,'' ''Contesting Record Procedures,'' and ''Notification Procedures.'' GSA has also created the following new sections: ''Security Classification'' and ''History.''

SYSTEM NAME AND NUMBER:

Pegasys, GSA/PPFM–11.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system's records are maintained on behalf of GSA by Amazon, whose headquarters is located in Seattle, Washington, US.

SYSTEM MANAGER:

Deputy Director, Office of Financial Management (BG), U.S. General Services Administration, 1800 F Street NW, Washington, DC 20405.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Chief Financial Officers Act of 1990 (Pub. L. 101–576) as amended.

PURPOSES OF THE SYSTEM:

Pegasys is the GSA core financial management system to make payments and record accounting transactions. This includes funds management (budget execution and purchasing), credit cards, accounts payable, disbursements, standard general ledger, and reporting. The system provides financial transaction processing and financial analysis for its main business lines of Federal supplies and technology, public buildings, and general management and administration offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who appear in this system of records include GSA vendors (members of the public), other federal agency employees, and GSA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pegasys contains records pertaining to financial information. These records include, but are not limited to, one or more of the following information types: Name, Business Contact information (business email address, business phone number, etc.), Social Security Number (SSN), home address, banking information, and limited information related to GSA-issued credit cards.

RECORD SOURCE CATEGORIES:

The sources for information in this system are the individuals about whom the records are maintained as well as information assigned by GSA (such as credit card issuance information).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside GSA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

a. In a proceeding before a court or adjudicative body before which the agency is authorized to appear, when (a) the agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States, where the agency determines that litigation is likely to affect the agency or any of -its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation.

b. To officials authorized by GSA to conduct investigations, who are investigating or settling a grievance, complaint, or appeal filed by an individual who is the subject of the record.

c. To a Federal agency in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation; the letting of a contract; or the issuance of a grant, license, or other benefit to the extent that the information is relevant and necessary to a decision.

d. To the U.S. Office of Personnel Management (OPM), the Office of Management and Budget (OMB), or the U.S. Government Accountability Office (GAO) when the information is required for program evaluation purposes.

e. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant, to a board, committee, commission, or small agency receiving administrative services from GSA to which the information relates; or an expert, consultant, or contractor of a board, committee, commission, or small agency receiving administrative services from GSA to which the information relates in the performance of a Federal duty to which the information is relevant.

f. To the National Archives and Records Administration (NARA) for records management purposes.

g. To appropriate agencies, entities, and persons when (1) GSA suspects or has confirmed that there has been a breach of the system of records; (2) GSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, GSA (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 GSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

h. To a Member of Congress or staff on behalf of and at the request of the individual who is the subject of the record.

i. To another Federal agency or Federal entity, when GSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1)

responding to a suspected or confirmed breach or (2) 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.

j. To compare such records to other agencies' systems of records or to non-Federal records, in coordination with an Office of Inspector General (OIG) in conducting an audit, investigation, inspection, evaluation, or some other review as authorized by the Inspector General Act.

k. To the U.S. Department of the Treasury when disclosure of the information is relevant to review 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.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

All records are stored electronically in a database. Information is encrypted in transit and at rest.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information on individuals contained in Pegasys records are retrievable by name or other identifier.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are retained in the system to support transactional integrity and will be retained according to the National Archives and Records Administration (NARA) General Records Schedule 1.1—Financial Management and Reporting Recording Records.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is limited to authorized individuals with passwords, and the database is maintained behind a certified firewall. Information on individuals is released only to authorized persons with a lawful government purpose and in accordance with the provisions of routine use. Additionally, vulnerability scanning, real-time intrusion detection, firewall monitoring and alerts, database monitoring, site protection monitoring, identity management monitoring, virus and compliance scans are performed on a scheduled basis to ensure adequate security measures are in place to prevent unauthorized access.

RECORD ACCESS PROCEDURES:

If an individual wishes to access any data or record pertaining to him or her in the system after it has been submitted, that individual should consult the GSA's Privacy Act implementation rules available at 41 CFR part 105–64.2.

CONTESTING RECORD PROCEDURES:

If an individual wishes to contest the content of any record pertaining to him or her in the system after it has been submitted, that individual should consult the GSA's Privacy Act implementation rules available at 41 CFR part 105–64.4.

NOTIFICATION PROCEDURES:

If an individual wishes to be notified at his or her request if the system contains a record pertaining to him or her after it has been submitted, that individual should consult the GSA's Privacy Act implementation rules available at 41 CFR part 105–64.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The initial Notice in connection with this system of records was published on October 16, 2006 (71 FR 60710). Under GSA, a first updated Notice was published on April 25, 2008 (73 FR 22396) and a second updated Notice was published on December 31, 2013 (78 FR 79694). These records were then transferred to the US Department of Agriculture and administered under USDA/OCFO–10, which was previously published in the **Federal Register** on December 19, 2018 (83 FR 67712).

Richard Speidel,

Chief Privacy Officer, Office of Enterprise Data & Privacy Management, General Services Administration.

[FR Doc. 2026–00358 Filed 1–9–26; 8:45 am]

BILLING CODE 6820–AB–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2025–D–3217]

Use of Bayesian Methodology in Clinical Trials of Drug and Biological Products; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Use of Bayesian Methodology in Clinical Trials of Drug and Biological Products.'' This document provides guidance on the appropriate use of Bayesian methods in clinical trials. The primary focus is on the use of Bayesian methods to support primary inference in pivotal clinical trials designed to support the effectiveness and safety of drug and biological products.

DATES: Submit either electronic or written comments on the draft guidance by March 13, 2026 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for

information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2025–D–3217 for ''Use of Bayesian Methodology in Clinical Trials of Drug and Biological Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Scott N. Goldie, Center for Drug Evaluation and Research, 10903 New Hampshire Ave., Bldg. 21, Rm. 3557, Silver Spring, MD 20993–0002, 301–796–2055, *Scott.Goldie@fda.hhs.gov,* or Phillip Kurs, Center for Biologics Evaluation and Research, Food and Drug Administration, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Use of Bayesian Methodology in Clinical Trials of Drug and Biological Products.'' This document provides guidance to sponsors and applicants submitting investigational new drug applications (INDs), new drug applications (NDAs), biologics licensing applications (BLAs) or supplemental applications on the appropriate use of Bayesian methods in clinical trials. The primary focus of this guidance is on the use of Bayesian methods to support primary inference in pivotal clinical trials designed to support the effectiveness and safety of drug and biological products. This draft guidance is being issued to satisfy a commitment under the sixth reauthorization of the Prescription Drug User Fee Act to publish draft guidance on the use of Bayesian methodology in clinical trials of drugs and biological products.

Bayesian statistics is an approach to estimation and inference based on the use of Bayes' theorem. In a Bayesian analysis, data collected in a study are combined with a prior distribution that expresses a pre-study position about a parameter of interest to form a posterior distribution that expresses the updated, post-study position about the parameter of interest. The prior distribution often represents a summary of data or information available before the study begins. The posterior distribution is used for inference and to draw conclusions about the study results.

The draft guidance addresses relevant considerations on how to appropriately design clinical trials using Bayesian approaches. The document describes settings where Bayesian methods have been used and provides recommendations related to the choice of success criteria, evaluation of trial operating characteristics, and determination of the prior distribution. It includes detailed considerations for use of an informative prior to borrow external information in the primary analysis of a prospective trial. The document also discusses estimands and missing data, software and computation, and documentation and reporting considerations for trials that use Bayesian methods.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Use of Bayesian Methodology in Clinical Trials of Drug and Biological Products.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

As we develop final guidance on this topic, FDA will consider comments on costs or cost savings the guidance may generate, relevant for Executive Order 14192.

II. Paperwork Reduction Act of 1995

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in 21 CFR 312 pertaining to the submissions of investigational new drug applications have been approved under OMB control number 0910–0014. The collections of information in 21 CFR 314 and 21 CFR 601 pertaining to the submission of new drug applications and biologic licensing applications have been approved under OMB control numbers 0910–0001 and 0910–0338, respectively.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs, https://www.fda.gov/regulatory-information/search-fda-guidance-documents, https://www.fda.gov/vaccines-blood-biologics/guidance-compliance-regulatory-information-biologics/biologics-guidances,* or *https://www.regulations.gov.*

Lowell M. Zeta,

Acting Deputy Commissioner for Policy, Legislation, and International Affairs.

[FR Doc. 2026–00325 Filed 1–9–26; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Neurological Disorders and Stroke Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend as well as those who need special assistance, such as sign language interpretation or other reasonable accommodations, must notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: February 11, 2026.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: Report by the Director, NINDS; Report by the Director, Division of Extramural Activities; and Administrative and Program Developments; and Overview of the BRAIN program.

Meeting is virtual and will be videocast from this link: https://videocast.nih.gov.

Place: National Institutes of Health, 6001 Executive Boulevard, Room 1131, Rockville, Maryland 20852, (Virtual Meeting).

Contact Person: Andrea Meredith Ph.D., Director, Extramural Activities, National Institute of Neurological, Disorders and Stroke, NIH, 6001 Executive Blvd., 5th Floor, MSC 9531, Bethesda, MD 20892, (301) 496–9248, *andrea.meredith@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice at least 10 days in advance of the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.ninds.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS.)

Dated: January 7, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–00302 Filed 1–9–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors of the NIH Clinical Center.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications conducted by the Clinical Center, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors of the NIH Clinical Center.

Date: March 16–17, 2026.

Time: 10:00 a.m. to 12:30 p.m.

Agenda: DLM Presentations, Interviews, and Preliminary Discussions.

Address: National Institutes of Health, Clinical Center, 10 Center Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Ronald Neumann, M.D., Deputy Scientific Director, National Institutes of Health, Clinical Center, 10 Center Drive, Bethesda, MD 20892, 301–496–6455, *rneumann@cc.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: January 7, 2026.

Bruce A. George,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–00300 Filed 1–9–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request, Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide an opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received by March 13, 2026.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact Melissa Park, PRA Liaison, Office of Management Policy and Compliance, National Cancer Institute, 9609 Medical Center Drive, Room 2E196, Bethesda, MD 20892 or call non-toll-free number (240) 276–5717 or email your request, including your address to: *melissa.park@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology.

Proposed Collection Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NCI), 0925–0642, Expiration Date 03/31/2026, EXTENSION, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This activity collects qualitative customer and stakeholder feedback efficiently and timely, per the Administration's commitment to improving service delivery. This generic provides information about the National Cancer Institute's customer or stakeholder perceptions, experiences, and expectations provides an early warning of service issues, or focuses on areas where communication, training, or operations changes might improve product or service delivery. It also allows feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance provides valuable information but will not yield data that can be generalized to the overall population.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 9,337 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Surveys	Individuals	27,100	1	12/60	5,420
In-Depth Interviews (IDIs) or Small Discussion Groups.	Individuals	500	1	90/60	750
Focus Groups	Individuals	1000	1	90/60	1,500
Website or Software Usability Tests	Individuals	5000	1	20/60	1,667
Total			33,600		9,337

Dated: January 7, 2026.

Melissa Park,

Project Clearance Liaison, National Cancer Institute, National Institutes of Health.

[FR Doc. 2026–00314 Filed 1–9–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting will be videocast and can be accessed from the NIH Videocasting and Podcasting website (*https://videocast.nih.gov/watch=56978*).

Name of Committee: National Advisory Eye Council.

Date: February 13, 2026.

Time: 9:00 a.m. to 12:30 p.m.

Agenda: Presentation of the NEI Director's report, discussion of NEI programs, and concept clearances.

Address: National Eye Institute, 6700B Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Hyo-Jung Anna Han, Acting Director, Division of Extramural Activities, National Eye Institute, 6700B Rockledge Drive, Bethesda, MD 20892, *anna.han@nih.gov*.

Registration is not required to attend this meeting.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice before the meeting or within 15 days after the meeting. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *https://www.nei.nih.gov/about/advisory-committees/national-advisory-eye-council-naec,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program No. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 7, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–00301 Filed 1–9–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Biochemistry, Chemistry & Biophysics.

Date: February 2, 2026.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dennis Pantazatos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594–2381, *dennis.pantazatos@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Addiction, Learning and Mental Health Training Grants.

Date: February 6, 2026.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Brian Hoshaw, Ph.D., Acting Review Chief, National Eye Institute, National Institutes of Health, Division of Extramural Research, 6700 B Rockledge Drive, Suite 3400, Rockville, MD 20892, 301–402–0566, *hoshawb@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Neurodegenerative Disorders, Neuroplasticity and Cognitive Dysfunction.

Date: February 10–11, 2026.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Suzan Nadi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, (301) 435–1259, *nadis@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 8, 2026.

Rosalind M. Niamke,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2026–00329 Filed 1–9–26; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc. (Ft. Lauderdale, FL), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc. (Ft. Lauderdale, FL), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc. (Ft. Lauderdale, FL), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 6, 2024.

DATES: Intertek USA, Inc. (Ft. Lauderdale, FL), was approved and accredited as a commercial gauger and laboratory as of August 6, 2024. The next triennial inspection date will be scheduled for August 2027.

FOR FURTHER INFORMATION CONTACT: Dr. Laura Granell-Ortiz, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW, Suite 1501A North, Washington, DC 20004, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 1881 West State Rd. 84, Suite 105, Ft. Lauderdale, FL 33315, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc. (Ft. Lauderdale, FL) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Intertek USA, Inc. (Ft. Lauderdale, FL), is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Patricia A. Coleman,

Deputy Assistant Commissioner, Laboratories and Scientific Services.

[FR Doc. 2026–00298 Filed 1–9–26; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A2407–014–004–065516, #O2509–014–004–125222]

Minerals Management: Annual Adjustment of Cost Recovery Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of fee adjustments.

SUMMARY: The Bureau of Land Management (BLM) is adjusting the fixed fees set forth in the Department of the Interior's onshore mineral resources regulations for the processing of certain minerals program-related documents and actions.

DATES: The adjusted fees take effect on January 12, 2026.

FOR FURTHER INFORMATION CONTACT: John G. Ajak, Deputy Division Chief of Fluid Minerals, 505–549–9654, *jajak@blm.gov;* Indra Dahal, Deputy Division Chief, Division of Solid Minerals, 571–458–6637, *idahal@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Independent Offices Appropriations Act of 1953, 31 U.S.C. 9701, and section 304 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1734, authorize the BLM to charge fees for processing applications and other documents related to public lands. In 2005, the BLM published a final cost recovery rule (70 FR 58854) that established new fees or revised existing fees for processing documents related to its minerals program. This rule also established the method that the BLM uses to adjust those fees and services charges for inflation on an annual basis.

BLM regulations at 43 CFR 3000.120 provide that the BLM Director will post the fees on the BLM's web page (*www.blm.gov*) and publish a notice in the **Federal Register** announcing the fee adjustments by October 1 of each year to provide additional public notice. The new fees take effect each year on October 1. This is the 20th year that the BLM is adjusting its fees based upon inflation.

The fee adjustments are based on mathematical formulas that were established in the 2005 final cost recovery rule and, in the case of the Application for Permit to Drill fee, section 3021(b) of the National Defense Authorization Act of 2015. For more details on how the BLM calculates the fee increases, please refer to the BLM website.

PROCESSING AND FILING FEE TABLE

Document/action	FY 2026 fee
Oil & Gas (parts 3100, 3110, 3120, 3130, 3150, 3160, and 3180):	
Competitive lease application	$3,175
Leasing and compensatory royalty agreements under right-of-way pursuant to subpart 3109.	675
Lease consolidation	590
Assignment and transfer of record title or operating rights	120
Overriding royalty transfer, payment out of production	15
Name change; corporate merger; sheriff's deed; dissolution of corporation, partnership, or trust; or transfer to heir/devisee	280
Lease reinstatement, Class I	1,290
Geophysical exploration permit application—all states	1,180
Renewal of exploration permit—Alaska	35
Final application for Federal unit agreement approval, Federal unit agreement expansion, and Federal subsurface gas storage application	1,230
Designation of successor operator for all Federal agreements, except for contracted unit agreements that contain no Federal lands	125
Geothermal (part 3200):	
Noncompetitive lease application	535
Competitive lease application	205
Assignment and transfer of record title or operating rights	120
Name change, corporate merger or transfer to heir/devisee	280
Lease consolidation	590
Lease reinstatement	105
Nomination of lands	150
plus per acre nomination fee	0.14
Site license application	80
Assignment or transfer of site license	80
Coal (parts 3400, 3470):	
License to mine application	15
Exploration license application	440
Lease or lease interest transfer	90
Leasing of Solid Minerals Other Than Coal and Oil Shale (parts 3500, 3580):	
Applications other than those listed below	50
Prospecting permit application amendment	90
Extension of prospecting permit	145
Lease modification or fringe acreage lease	40
Lease renewal	685
Assignment, sublease, or transfer of operating rights	40
Transfer of overriding royalty	40
Use permit	40
Shasta and Trinity hardrock mineral lease	40
Renewal of existing sand and gravel lease in Nevada	40
Public Law 359; Mining in Powersite Withdrawals: General (part 3730):	
Notice of protest of placer mining operations	15
Mining Law Administration (parts 3800, 3810, 3830, 3860, 3870):	
Application to open lands to location	15
Notice of location*	25
Amendment of location	15
Transfer of mining claim/site	15
Recording an annual FLPMA filing	15
Deferment of assessment work	145
Recording a notice of intent to locate mining claims on Stockraising Homestead Act lands	40
Mineral patent adjudication (more than 10 claims)	4,010
(10 or fewer claims)	2,005
Adverse claim	145
Protest	90
Oil Shale Management (parts 3900, 3910, 3930):	
Exploration license application	420

PROCESSING AND FILING FEE TABLE—Continued

Document/action	FY 2026 fee
Application for assignment or sublease of record title or overriding royalty	85
Onshore Oil and Gas Operations and Production (parts 3160, 3170):	
Application for Permit to Drill	12,850

* To record a mining claim or site location, this processing fee along with the initial maintenance fee and the one-time location fee required by statute and at 43 CFR part 3833 must be paid.

Tina Roberts-Ashby,

Acting Assistant Director, Office of Energy, Minerals, and Realty Management.

[FR Doc. 2026–00386 Filed 1–9–26; 8:45 am]

BILLING CODE 4331–27–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–747 and 731–TA–1725 (Final)]

Overhead Door Counterbalance Torsion Springs From India; Scheduling of the Final Phase of the Antidumping and Countervailing Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: Effective December 31, 2025.

FOR FURTHER INFORMATION CONTACT: Peter Stebbins ((202) 205–2039), 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 ((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 ((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 June 2, 2025, the Commission established a general schedule for the conduct of the final phase of its antidumping and countervailing duty investigations on overhead door counterbalance torsion springs from China and India, following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that such imports were being subsidized by the governments of China and India and being sold at less than fair value. Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on June 11, 2025 (90 FR 24665), subsequently revised on June 17, 2025 (90 FR 26608, June 23, 2025). The Commission cancelled its public hearing effective August 12, 2025 (90 FR 39420, August 15, 2025).

Commerce has issued a final affirmative antidumping and countervailing duty determinations with respect to overhead door counterbalance torsion springs from China (90 FR 39369 and 90 FR 39374, August 15, 2025). The Commission subsequently issued its final determinations that an industry in the United States was materially injured by reason of imports of overhead door counterbalance torsion springs from China, provided for in subheading 7320.20.50 of the Harmonized Tariff Schedule of the United States, that have been found by Commerce to be sold in the United States at less than fair value, and imports of the subject merchandise from China that have been found to be subsidized by the government of China (90 FR 47820, October 2, 2025).

Commerce issued a final affirmative antidumping and countervailing duty determinations with respect to imports of overhead door counterbalance torsion springs from India (90 FR 61366 and 90 FR 61369, December 31, 2025). Accordingly, the Commission currently is issuing a supplemental schedule for its antidumping and countervailing duty investigations on imports of overhead door counterbalance torsion springs from India.

This supplemental schedule is as follows: the deadline for filing supplemental party comments on final affirmative antidumping and countervailing duty determinations with respect to imports of overhead door counterbalance torsion springs from India is 5:15 p.m. on January 15, 2026. Supplemental party comments may address only Commerce's final affirmative antidumping and countervailing duty determinations with respect to imports of overhead door counterbalance torsion springs from India. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of the current investigations will be placed in the nonpublic record on January 28, 2026, and a public version will be issued thereafter.

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 and C (19 CFR part 207).

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–00347 Filed 1–9–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–779 and 731–TA–1765–1766 (Preliminary)]

Chromium Trioxide From India and Turkey; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of chromium trioxide from India and Turkey, provided for in subheading 2819.10.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and imports of the subject merchandise from India that are alleged to be subsidized by the government of India.[2]

Background

On September 29, 2025, American Chrome & Chemicals, Inc., Canonsburg, Pennsylvania, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of chromium trioxide from India and LTFV imports of chromium trioxide from India and Turkey. Accordingly, effective September 29, 2025, the Commission instituted countervailing duty investigation No. 701–TA–779 and antidumping duty investigation Nos. 731–TA–1765–1766 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 2, 2025 (90 FR 47820).[3] The Commission conducted its conference on December 4, 2025. All persons who requested the opportunity were permitted to participate.

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Unpublished **Federal Register** Notices, Department of Commerce, EDIS Document ID 867704, retrieved December 31, 2025.

[3] Due to the lapse in appropriations and ensuing cessation of Commission operations, the Commission tolled its schedule for this proceeding. The schedule was revised in subsequent notices published in the **Federal Register** on November 11 (90 FR 52096), December 18 (90 FR 59203), and December 30 (90 FR 61167).

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on January 2, 2026. The views of the Commission are contained in USITC Publication 5968 (January 2026), entitled *Chromium Trioxide from India and Turkey: Investigation Nos. 701–TA–779 and 731–TA–1765–1766 (Preliminary).*

By order of the Commission.

Issued: January 2, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–00378 Filed 1–9–26; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1477]

Certain Wearable Devices With Fall Detection and Components Thereof; Notice of Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 12, 2025, under section 337 of the Tariff Act of 1930, as amended, on behalf of UnaliWear, Inc. of Austin, Texas. Supplements to the complaint were filed on December 31, 2025 and January 5, 2026. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wearable devices with fall detection and components thereof by reason of the infringement of certain claims of U.S. Patent No. 10,051,410 (''the '410 patent'') and U.S. Patent No. 10,687,193 (''the '193 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* Hearing impaired individuals are advised that information on this matter can be obtained 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 at *https://www.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2025).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 7, 2026, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–20 of the '410 patent and claims 1–43 of the '193 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''electronic watches with the capability to detect when a user has suffered a fall, and components thereof'';

(3) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(l), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following

are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: UnaliWear, Inc., 3901 S Lamar Blvd., Suite 150, Austin, TX 78704.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apple, Inc., One Apple Park Way, Cupertino, CA 95014

Samsung Electronics Co., Ltd., 129 Samsung-Ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443–742, Republic of Korea

Samsung Electronics American, Inc., 85 Challenger Rd., Ridgefield Park, NJ 07660

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043

Garmin Ltd., Mühlentalstrasse 2, 8200 Schaffhausen, Switzerland

Garmin International, Inc., 1200 E 151st Street, Olathe, KS 66062

Garmin USA, Inc., 1200 E 151st Street, Olathe, KS 66062

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 8, 2026.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2026–00345 Filed 1–9–26; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Advisory Committee on Appellate Rules; Hearing of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Advisory Committee on Appellate Rules; notice of cancellation of open hearing.

SUMMARY: The following public hearing on proposed amendments to the Federal Rules of Appellate Procedure has been canceled: Appellate Rules Hearing on February 6, 2026.

DATES: February 6, 2026.

FOR FURTHER INFORMATION CONTACT: Carolyn A. Dubay, Esq., Chief Counsel, Rules Committee Staff, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

SUPPLEMENTARY INFORMATION: The announcement for this hearing was previously published in the **Federal Register** on July 14, 2025 at 90 FR 31242.

(Authority: 28 U.S.C. 2073.)

Dated: January 8, 2026.

Shelly L. Cox,

Management Analyst, Rules Committee Staff.

[FR Doc. 2026–00331 Filed 1–9–26; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of the Federal Unemployment Tax Act (FUTA) Credit Reductions Applicable for 2025

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice.

SUMMARY: Sections 3302(c)(2)(A) and 3302(d)(3) of FUTA provide that employers in a state that has outstanding advances under Title XII of the Social Security Act on January first of two or more consecutive years are subject to a reduction in credits otherwise available against the FUTA tax for the calendar year in which the most recent such January first occurs, if advances remain on November 10 of that year. Further, Section 3302(c)(2)(C) of FUTA provides for an additional credit reduction for a year if a state has outstanding advances on five or more consecutive January firsts and has a balance on November 10 for such years. Section 3302(c)(2)(C) provides for waiver of this additional credit reduction and substitution of the credit reduction provided in Section 3302(c)(2)(B) if a state meets certain conditions.

As of January 1, 2025, California, Connecticut, New York, and the U.S. Virgin Islands had outstanding advances for two or more consecutive years and employers in these states were potentially subject to a FUTA credit reduction for 2025. Connecticut and New York each repaid their outstanding advances before November 10, 2025. As a result, employers in Connecticut and New York are not subject to a FUTA credit reduction for 2025. Neither California nor the U.S. Virgin Islands repaid all outstanding advances before November 10, 2025.

California has had outstanding advances on January first for five consecutive years, and the U.S. Virgin Islands has had outstanding advances on January first for sixteen consecutive years. As such, employers in California and the U.S. Virgin Islands are subject to the basic credit reduction under Section 3302(c)(2)(A), FUTA, and were potentially liable for an additional reduction under Section 3302(c)(2)(C), FUTA. Both California and the U.S. Virgin Islands applied for a waiver of this additional credit reduction and ETA determined that each state legally satisfied the conditions for this waiver per Section 3302(f)(2)(B), FUTA. Therefore, there will be no additional add-on credit reduction in California or the U.S. Virgin Islands.

Employers in California are subject to a FUTA credit reduction of 1.2 percent for 2025. Employers in the U.S. Virgin Islands are subject to a FUTA credit reduction of 4.5 percent for 2025.

Susan Frazier,

Acting Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2026–00342 Filed 1–9–26; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice Requirements of the Health Care Continuation Coverage Provisions

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 11, 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: The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provides that under certain circumstances participants and beneficiaries of group health plans that satisfy the definition of ''qualified beneficiaries'' under COBRA may elect to continue group health coverage temporarily following events known as ''qualifying events'' that would otherwise result in loss of coverage.

Under the regulatory guidelines, plan administrators are required to distribute notices: a general notice to be distributed to all participants in group health plans subject to COBRA; an employer notice that must be completed by the employer upon the occurrence of a qualifying event; a notice and election form to be sent to a participant upon the occurrence of a qualifying event that might cause the participant to lose group health coverage; an employee notice that may be completed by a qualified beneficiary upon the occurrence of certain qualifying events such as divorce or disability; and, two other notices, one of early termination and the other a notice of unavailability. Also included in the ICR are two model notices that the Department believes will help reduce costs for service providers in preparing and delivering notices to comply with the regulations. 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: Notice Requirements of the Health Care Continuation Coverage Provisions.

OMB Control Number: 1210–0123.

Affected Public: Private sector.

Total Estimated Number of Respondents: 750,213.

Total Estimated Number of Responses: 24,351,126.

Total Estimated Annual Time Burden: 524,890 hours.

Total Estimated Annual Other Costs Burden: $ 19,237,389.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–00336 Filed 1–9–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Petition for Finding Under the Employee Retirement Income Security Act Section 3(40)

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 11, 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: The term ''multiple employer welfare arrangement'' (MEWA) is defined in Section 3(40) of the Employee Retirement Income Security Act of 1974 (ERISA) as an employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing [welfare plan benefits] to the employees of two or more employers, (including one or more self-employed individuals), or their beneficiaries, except that such term does not include any such plan or other arrangement which is established or maintained under or pursuant to one or more agreements which the Secretary of Labor (the Secretary) finds to be collective bargaining agreements. Under Section 514(b)(6) of ERISA, an employee welfare benefit plan that is a MEWA is generally subject to state insurance law. The Department's regulation at 29 CFR 2510.3–40 sets forth criteria for determining when an employee welfare benefit plan is established or maintained under or pursuant to collective bargaining agreements for purposes of section 3(40) of ERISA. The

Department's regulations at 29 CFR part 2570, subpart H set forth procedures for administrative hearings to obtain a determination by the Secretary as to whether a particular entity is an employee welfare benefit plan established or maintained under or pursuant to one or more collective bargaining agreements for purposes of section 3(40) of ERISA.

To initiate adjudicatory proceedings, an entity is required to file a petition for a determination under Section 3(40) of ERISA with an Administrative Law Judge (ALJ). The petition must identify the parties, describe the basis on which the petition is being filed and the entity in question, provide evidence that the entity satisfies the criteria to be an employee welfare benefit plan, and include affidavits as to both the competency of the affiant to testify and the facts that allegedly establish the entity as a plan established under or pursuant to agreements that the Secretary finds to be a collective bargaining agreement. . . 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: Petition for Finding under the Employee Retirement Income Security Act Section 3(40).

OMB Control Number: 1210–0119.

Affected Public: Private sector.

Total Estimated Number of Respondents: 1.

Total Estimated Number of Responses: 1.

Total Estimated Annual Time Burden: 37 hours.

Total Estimated Annual Other Costs Burden: $10.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–00338 Filed 1–9–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Statutory Exemption for Cross-Trading of Securities

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 11, 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: The Statutory Exemption for Cross-Trading of Securities regulation (29 CFR 2550.408b-19) implements the content requirements for the written cross-trading policies and procedures required under section 408(b)(19)(H) of ERISA, as added by section 611(g) of the Pension Protection Act of 2006, Public Law 109–280 (the PPA). Section 611(g)(1) of the PPA created a statutory exemption, added to section 408(b) of ERISA as subsection 408(b)(19), that exempts from the prohibitions of sections 406(a)(1)(A) and 406(b)(2) of ERISA those cross-trading transactions involving the purchase and sale of a security between an account holding assets of a pension plan and any other account managed by the same investment manager, provided that certain conditions are satisfied.

On October 7, 2008, the Department issued final regulations regarding cross-trading policies and procedures (73 FR 58450). The regulation provides that the policies and procedures for cross-trading under the statutory exemption must meet certain content requirements.

The statutory exemption requires, as a condition to exemptive relief, that an investment manager's policies and procedures regarding cross-trading be provided in advance to the fiduciary of any plan that is considering agreeing to allow its assets to be managed under the investment manager's cross-trading program. The investment manager is also required, under the statutory exemption, to designate a compliance officer responsible for periodically reviewing the investment manager's cross-trading program to ensure compliance with the investment manager's cross-trading written policies and procedures. The statutory exemption requires the compliance officer to issue an annual report to each plan fiduciary describing the steps performed during the course of the review, the level of compliance, and any specific instances of noncompliance. The exemption does not require any reporting or filing with the Federal government. 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: Statutory Exemption for Cross-Trading of Securities.

OMB Control Number: 1210–0130.

Affected Public: Private sector.

Total Estimated Number of Respondents: 265.

Total Estimated Number of Responses: 2,385.

Total Estimated Annual Time Burden: 2,769 hours.

Total Estimated Annual Other Costs Burden: $21,632.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Michael Howell,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2026–00291 Filed 1–9–26; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0425 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0425.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–061–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 192 Crabapple Road, Wind Ridge, PA 15380.

Mine: Bailey Mine, MSHA ID No. 36–07230, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.500(d) as it pertains to battery-powered non-permissible testing and diagnostic equipment in or inby the last open crosscut. Specifically the petitioner is requesting to use the vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.500(d), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.500(d) provides in relevant part:

All other electric face equipment which is taken into or used inby the last crosscut of any coal mine, except a coal mine referred to in § 75.501, which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, shall be permissible.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.,* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis

devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.500(d) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment in or inby the last open crosscut is critical to the safety of the miners at the Bailey Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used in or inby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment in or inby the last open crosscut.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the last open crosscut.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Bailey Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00337 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0428 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0428.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–064–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 267 Archer Road, Prosperity, PA 15329.

Mine: Enlow Fork Mine, MSHA ID No. 36–07416, located in Washington County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.500(d) as it pertains to battery-powered non-permissible testing and diagnostic equipment in or inby the last open crosscut. Specifically the petitioner is requesting to use the vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.500(d), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.500(d) provides in relevant part:

All other electric face equipment which is taken into or used inby the last crosscut of any coal mine, except a coal mine referred to in § 75.501, which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, shall be permissible.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.,* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer

(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer

(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer

(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.500(d) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment in or inby the last open crosscut is critical to the safety of the miners at the Enlow Fork Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used in or inby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment in or inby the last open crosscut.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the last open crosscut.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Enlow Fork Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00353 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0429 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0429.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–065–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 267 Archer Road, Prosperity, PA, 15329.

Mine: Enlow Fork Mine, MSHA ID No. 36–07416, located in Washington County, Pennsylvania.

Regulation Affected: 30 CFR 75.507–1(a), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.507–1(a) as it pertains to battery-powered non-permissible testing and diagnostic equipment in return air outby the last open crosscut. Specifically the petitioner is requesting to use the vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.507–1(a), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.507–1(a) provides in relevant part:

All electric equipment, other than power-connection points, used in return air outby the last open crosscut in any coal mine shall be permissible except as provided in paragraphs (b) and (c) of this section.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and

the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.507–1(a) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment in return air outby the last open crosscut is critical to the safety of the miners at the Enlow Fork Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used in return air outby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment in return air outby the last open crosscut.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the last open crosscut.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Enlow Fork Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00343 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Kennecott Utah Copper LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0356 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0356.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–004–M.

Petitioner: Kennecott Utah Copper, LLC, 4700 Daybreak Parkway, South Jordan, Utah 84095.

Mine: Kennecott Keystone Underground, MSHA ID No. 42–01392, located in Salt Lake County, Utah.

Regulation Affected: 30 CFR 57.11052, Refuge areas.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 57.11052(d), Refuge areas. Specifically, the petitioner is applying to allow the use of commercially purchased, sealed, drinking water in lieu of providing potable water through waterlines in refuge areas.

The petitioner states that:

(a) The Kennecott Keystone Underground mine is an underground portal copper mine with 14 refuge chambers located throughout the underground portion of the mine.

(b) In the refuge areas, drinkable water is supplied via commercially purchased water in sealed bottles.

(c) The refuge chambers are Mine ARC refuge chambers and are made of steel. The refuge chambers are equipped for a maximum capacity of between 4 and 20 miners each. This capacity exceeds the normal work crew of approximately 65 miners underground on any shift.

(d) Each refuge chamber is provided with a waterline. The water flowing through these lines is not potable due to the configuration of the waterlines and the water source. Installing waterlines to provide potable drinking water to each refuge chamber is not feasible due to the lack of essential infrastructure.

(e) The waterlines are susceptible to damage during an emergency and under normal working conditions. The water supply could be compromised, polluted, or cut off completely.

(f) In an emergency, there can be no guarantee of potable drinking water via the waterline for miners using the refuge area, as required by 30 CFR 57.11052(d). Application of the standard could adversely impact the safety of the affected miners if they were to rely on waterlines running from the portal to the refuge chambers, as these lines are subject to interruption and are inherently less safe than sanitary sealed water bottles located inside the refuge chambers. Sealed water stored inside each refuge chamber ensures that affected miners will have sanitary drinking water available to them in an emergency.

(g) The requirement of 30 CFR 57.11052 can also pose operational constraints as the 14 refuge chambers are mobile and periodically relocated to accommodate mining progress. Permanent connections would hinder operational flexibility and pose logistical challenges. Allowing the use of refuge chambers which do not have to be connected to waterlines provides greater flexibility in the location of the refuge chambers. Refuge chambers can be located in direct relation to where miners are working and relocated quickly to working areas as needed for the protection of miners.

The petitioner proposes the following alternative method:

(a) Maintain a minimum of 4.5 liters of potable water per person via commercially available water in sealed individual portion sized bottles in each refuge chamber to support the maximum occupancy for at least 36 hours.

(b) Water shall be stored in a manner that makes the expiration dates readily visible for inspection.

(c) Kennecott Utah Copper LLC will replace the existing water supply with fresh water before the expiration date of the water.

(d) All refuge chambers have 36-hour battery back-up power to run all systems.

(e) The refuge chambers with are equipped with atmospheric monitoring and air purification systems (manual and digital).

(f) The refuge chambers are equipped with MARCISORB chemical absorber cartridges to remove the buildup of harmful carbon dioxide (CO2) and carbon monoxide (CO) from the air inside the refuge chamber.

(g) Conduct monthly inspections, all personnel performing maintenance on refuges chambers are trained and certified by the manufacturer to conduct inspection and repairs on the chambers. OEM required service of the chambers are performed every 4 months.

(h) Provide training to all underground personnel on refuge chamber use and emergency protocols including instructions for conservation of water in the refuge chambers.

There are no representatives of miners at Kennecott Utah Copper, LLC, Kennecott Keystone Underground. A copy of this Petition has been posted on the bulletin board as of September 4, 2025.

In support of the proposed alternative method, the petitioner has also submitted specification sheets for the MineSafe MS–CD1–04–ELVP–36 refuge area, specification sheets for the Mine Safe MS–SD2–12–SIV–36 refuge area, the GuardIAN Intelligence Network brochure, and the mine map for Kennecott Keystone Underground.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00352 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Greenbrier Smokeless Coal Mining, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0389 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0389.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–057–C.

Petitioner: Greenbrier Smokeless Coal Mining, LLC, 4547 Anjean Road, Rupert, WV 25984.

Mine: Mountaineer Pocahontas No. 1 Mine, MSHA ID No. 46–09172, located in Greenbrier County, West Virginia.

Regulation Affected: 30 CFR 75.312(c), Main mine fan examinations and records.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.312(c), Main mine fan examinations and records. Specifically, the petitioner is applying to use a simulated signal test every 31 days to manually create a pressure drop in the monitoring system without stopping the fan.

The petitioner states that:

(a) The mandatory safety standard for which this modification is requested is 30 CFR 75.312(c), which requires the automatic fan signal device for each main mine fan to be tested at least every 31 days by stopping the fan. Only personnel essential to evaluating the fan stoppage or restart are permitted underground during this test.

(b) The mine uses one main mine fan for ventilation.

(c) The current practice of stopping and restarting the fans for testing poses hazards, causes operational delays, and can damage equipment.

(d) Airflow disruption can lead to increased risk of fire or explosion.

(e) If a fan fails to restart quickly, a lengthy process involving examination and production halt is necessary.

(f) Repeated stopping and starting can also damage fan systems.

(g) The mine operates continuously with miners present 24 hours on weekdays and 15 hours +/− on weekends, and stopping fans disrupts operations and requires removing many miners.

(h) The mine does not liberate significant methane but has extensive sealed areas and old works, making reliable ventilation crucial.

(i) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) *Simulated Signal Test (Every 31 days):* A certified person will manually create a pressure drop in the monitoring system without stopping the fan to check if the signal device activates. The fan's electrical and mechanical systems will also be checked.

(b) *Full Shutdown Test (Every 6 or 5–7 months):* The fan will be stopped for testing less frequently, adhering to 30 CFR 75.312(c) requirements during these tests.

(c) *Training and Documentation:* Personnel will be trained on the new procedure. Records of training and test results will be kept and made available.

(d) *Safety Measures:* Alarms are installed at the fan and at a staffed location. The system is designed so any test failure triggers the same alarm as a fan stoppage.

There are no representatives of miners at Mountaineer Pocahontas No. 1 Mine. A copy of this Petition has been posted on the bulletin board as of September 24, 2025.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00351 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0424 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0424.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–060–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 685 Patterson Creek Road, Sycamore, PA 15364.

Mine: Harvey Mine, MSHA ID No. 36–10045, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.1002(a), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1002(a) as it pertains to battery-powered non-permissible testing and diagnostic equipment in or inby the last open crosscut. Specifically the petitioner is requesting to use vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.1002(a), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.1002(a) provides in relevant part:

Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer

(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer

(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer

(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.1002(a) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment within 150 feet of pillar workings or longwall faces is critical to the safety of the miners at the Harvey Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used within 150 feet of pillar workings or longwall faces will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment within 150 feet of pillar workings or longwall faces.

(c) Non-permissible electronic testing and diagnostic equipment will not be

used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the longwall faces or more than 150 feet from pillar workings.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Harvey Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00350 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0427 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0427.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–063–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 192 Crabapple Road, Wind Ridge, PA 15380.

Mine: Bailey Mine, MSHA ID No. 36–07230, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.1002(a), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1002(a) as it pertains to battery-powered non-permissible testing and diagnostic equipment in or inby the last open crosscut. Specifically the petitioner is requesting to use vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.1002(a), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes,

infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.1002(a) provides in relevant part:

Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.1002(a) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment within 150 feet of pillar workings or longwall faces is critical to the safety of the miners at the Bailey Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used within 150 feet of pillar workings or longwall faces will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment within 150 feet of pillar workings or longwall faces.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the longwall faces or more than 150 feet from pillar workings.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Bailey Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00340 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0426 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0426.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–062–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 192 Crabapple Road, Wind Ridge, PA, 15380.

Mine: Bailey Mine, MSHA ID No. 36–07230, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.507–1(a), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.507–1(a) as it pertains to battery-powered non-permissible testing and diagnostic equipment in return air outby the last open crosscut. Specifically the petitioner is requesting to use the vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.507–1(a), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.507–1(a) provides in relevant part:

All electric equipment, other than power-connection points, used in return air outby the last open crosscut in any coal mine shall be permissible except as provided in paragraphs (b) and (c) of this section.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.507–1(a) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment in return air outby the last open crosscut is

critical to the safety of the miners at the Bailey Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used in return air outby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment in return air outby the last open crosscut.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the last open crosscut.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Bailey Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00339 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0422 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0422.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–058–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 685 Patterson Creek Road, Sycamore, PA 15364.

Mine: Harvey Mine, MSHA ID No. 36–10045, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.500(d), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.500(d) as it pertains to battery-powered non-permissible testing and diagnostic equipment in or inby the last open crosscut. Specifically the petitioner is requesting to use the vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.500(d), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.500(d) provides in relevant part:

All other electric face equipment which is taken into or used inby the last crosscut of any coal mine, except a coal mine referred to in § 75.501, which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, shall be permissible.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.,* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.500(d) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment in or inby the last open crosscut is critical to the safety of the miners at the Harvey Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used in or inby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment in or inby the last open crosscut.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the last open crosscut.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Harvey Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the

proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00348 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0430 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0430.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or
2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–066–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 267 Archer Road, Prosperity, PA, 15329.

Mine: Enlow Fork Mine, MSHA ID No. 36–07416, located in Washington County, Pennsylvania.

Regulation Affected: 30 CFR 75.1002(a), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.1002(a) as it pertains to battery-powered non-permissible testing and diagnostic equipment in or inby the last open crosscut. Specifically the petitioner is requesting to use vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.1002(a), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.1002(a) provides in relevant part:

Electric equipment must be permissible and maintained in a permissible condition when such equipment is located within 150 feet of pillar workings or longwall faces.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.1002(a) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment within 150 feet of pillar workings or longwall faces is critical to the safety of the miners at the Enlow Fork Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used within 150 feet of pillar workings or longwall faces will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment within 150 feet of pillar workings or longwall faces.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the longwall faces or more than 150 feet from pillar workings.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Enlow Fork Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00344 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Consol Pennsylvania Coal Company, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before February 11, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2025–0423 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2025–0423.
2. *Fax:* 202–693–9441.
3. *Email: petitioncomments@dol.gov.*
4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than

the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2025–059–C.

Petitioner: Consol Pennsylvania Coal Company, LLC, 685 Patterson Creek Road, Sycamore, PA 15364.

Mine: Harvey Mine, MSHA ID No. 36–10045, located in Greene County, Pennsylvania.

Regulation Affected: 30 CFR 75.507–1(a), Permissible electric equipment.

Modification Request: The petitioner requests a modification of the existing standard, 30 CFR 75.507–1(a) as it pertains to battery-powered non-permissible testing and diagnostic equipment in return air outby the last open crosscut. Specifically the petitioner is requesting to use the vibration analyzers: Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; Bentley Nevada Commtest Scout 140, VBX and Scout Unit. The petitioner is also requesting to use battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

The petitioner states that:

(a) The petitioner seeks modification of 30 CFR 75.507–1(a), as it pertains to use of battery-powered non-permissible testing and diagnostic equipment, laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, signal analyzer devices, ultrasonic measuring devices, electronic component testers and electronic tachometers, etc.

(b) That standard 30 CFR 75.507–1(a) provides in relevant part:

All electric equipment, other than power-connection points, used in return air outby the last open crosscut in any coal mine shall be permissible except as provided in paragraphs (b) and (c) of this section.

(c) On occasion mining equipment breaks down in areas of a mine where permissible equipment is required and the equipment cannot be moved into intake air to perform diagnosis or repairs. It may not be possible to move it or is unsafe to move it. Permissible diagnostic and testing equipment is not available for all types of testing and diagnostics.

(d) In addition, preventative maintenance requires the use of sophisticated monitoring devices to ensure against catastrophic failure of equipment. Some equipment that is critical, *e.g.* longwall face equipment such as shearer and conveyor drives cannot be moved to outby areas to be tested.

(e) While the petitioner seeks a modification consistent with the modifications previously granted to other operators it also specifically seeks modification as to certain vibration analysis devices. The vibration analysis devices that would specifically be subject to this petition are as follows:

(1) Emerson AMS 2140 Machinery Health Analyzer and Balancer
(2) Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer
(3) Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer
(4) Bentley Nevada Commtest Scout 140, VBX and Scout Unit

(f) Such instruments are used by the petitioner and contractors to analyze for excessive vibration in order to provide information to avoid catastrophic failure of parts of the longwall face and other face equipment as well as on continuous miners.

(g) Such equipment as the longwall shearer, face conveyer drive motors cannot be moved out of the face areas where permissible equipment is normally required.

(h) In addition, the petitioner seeks a Proposed Decision and Order (PDO) granted by MSHA similar and identical to what other mine operators have been granted without specification of specifics models of laptops, oscilloscopes and other testing equipment. It does not intend at this time to separately specify the makes and models of such equipment. Should the petitioner intend to use such equipment, it would notify the District Manager for such approvals.

(i) The petitioner seeks modification of 30 CFR 75.507–1(a) as it applies to use of low voltage battery-powered non-permissible testing and diagnostic equipment.

(j) The mine utilizes the continuous miner and longwall method of mining.

(k) Accurate testing and diagnostics for trouble shooting equipment in return air outby the last open crosscut is critical to the safety of the miners at the Harvey Mine and to the repair and maintenance of its mining equipment.

(l) The petitioner seeks an alternative method to the mandatory safety standard, asserting it will provide the same or greater level of safety for miners.

The petitioner proposes the following alternative method:

(a) All non-permissible testing and diagnostic equipment used in return air outby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examinations results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(b) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of non-permissible electronic testing and diagnostic equipment in return air outby the last open crosscut.

(c) Non-permissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When one percent or more methane is detected while the non-permissible electronic equipment is being used, the equipment will be de-energized immediately and the non-permissible equipment withdrawn outby the last open crosscut.

(d) All hand-held methane detectors will be MSHA approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(e) Except for time necessary to troubleshoot under actual mining conditions coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(f) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer. For the purposes of this petition, a ''hazardous'' location is one where the methane is at 1% or higher.

(g) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

(h) Rock dust shall be liberally applied to the area where testing is to be conducted.

(i) Non-permissible electronic testing and diagnostic equipment shall be used only when equivalent permissible equipment is not available.

(j) The operator shall post this Petition in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, at all the mines for which this Petition applies, for a period of not less than 60 consecutive days and a copy will be made available to all miners' representatives.

(k) The petitioner shall include the listed terms and conditions in the initial and annual refresher training as required in its approved Part 48 training plans to ensure that miners are aware of the stipulations contained in this petition.

There are no representatives of miners at Harvey Mine. A copy of this Petition has been posted on the bulletin board as of October 3, 2025. In support of the proposed alternative method, the petitioner has also submitted specification sheets for the Emerson AMS 2140 Machinery Health Analyzer and Balancer; Bentley Nevada vb7 Portable Data Collection Analyzer and Balancer; Bentley Nevada Scout 100 EX Vibration Data Collector Analyzer Balancer; and the Bentley Nevada Commtest Scout 140, VBX and Scout Unit.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026–00349 Filed 1–9–26; 8:45 am]

BILLING CODE 4520–43–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collections for OMB Review; Comment Request; Multiemployer Plan Regulations

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval of information collections.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of collections of information in PBGC's regulations on multiemployer plans under the Employee Retirement Income Security Act of 1974 (ERISA). This notice informs the public of PBGC's intent and solicits public comment on the collections of information.

DATES: Comments must be received on or before March 13, 2026 to be assured of consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov.* Refer to refer to the multiemployer information collection and corresponding OMB control number in the subject line.
- *Mail or Hand Delivery:* Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101.

Commenters are strongly encouraged to submit public comments electronically. Commenters who submit comments on paper by mail should allow sufficient time for mailed comments to be received before the close of the comment period.

All submissions received must include the agency's name (Pension Benefit Guaranty Corporation, or PBGC) and refer to the multiemployer information collection and corresponding OMB control number. All comments received will be posted without change to PBGC's website, *www.pbgc.gov,* including any personal information provided. Do not submit comments that include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Comments may be submitted anonymously.

Copies of the collections of information may also be obtained without charge by writing to the Disclosure Division (*disclosure@pbgc.gov*), Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101, or calling 202–326–4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Monica O'Donnell (*odonnell.monica@pbgc.gov*), Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101; 202–229–5507. If you are deaf or hard of hearing, or have a speech disability, please dial 711 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval under the Paperwork Reduction Act of the collections of information in PBGC's regulations on multiemployer plans under the Employee Retirement Income Security Act of 1974 (ERISA). This notice informs the public of PBGC's intent and solicits public comment on the collections of information.

The existing collections of information are approved through May 31, 2026, under each collection's respective OMB control number. PBGC intends to request that OMB extend its approval of the collections of information for 3 years. 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.

PBGC is soliciting public comments to—

- Evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collections of information, including the validity of the methodologies and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Comments should identify the specific part number(s) of the regulation(s) to which they relate.

1. Extension of Special Withdrawal Liability Rules (29 CFR Part 4203) (OMB Control Number 1212–0023)

Sections 4203(f) and 4208(e)(3) of ERISA allow PBGC to permit a multiemployer plan to adopt special rules for determining whether a withdrawal from the plan has occurred, subject to PBGC approval.

The regulation specifies the information that a plan that adopts special rules must submit to PBGC about the rules, the plan, and the industry in which the plan operates. PBGC uses the information to determine whether the rules are appropriate for the industry in which the plan functions

and do not pose a significant risk to the insurance system.

PBGC estimates that over the next 3 years, at most one plan sponsor will submit a request each year under this regulation. The estimated annual burden of the collection of information is 4 hours and $15,000.

2. Variances for Sale of Assets (29 CFR Part 4204) (OMB Control Number 1212–0021)

If an employer's covered operations or contribution obligation under a plan ceases, the employer must generally pay withdrawal liability to the plan. Section 4204 of ERISA provides an exception, under certain conditions, where the cessation results from a sale of assets. Among other things, the buyer must furnish a bond or escrow, and the sale contract must provide for secondary liability of the seller.

The regulation establishes general variances (rules for avoiding the bond/escrow and sale-contract requirements) and authorizes plans to determine whether the variances apply in particular cases. It also allows buyers and sellers to request individual variances from PBGC. Plans and PBGC use the information to determine whether employers qualify for variances.

PBGC estimates that over the next 3 years, 100 employers will submit, and 100 plans will respond to, variance requests under the regulation, and one employer submits a variance request to PBGC each year. The estimated annual burden of the collection of information is 1,050 hours and $702,000.

3. Reduction or Waiver of Complete Withdrawal Liability (29 CFR Part 4207) (OMB Control Number 1212–0044)

Section 4207 of ERISA allows PBGC to provide for abatement of an employer's complete withdrawal liability, and for plan adoption of alternative abatement rules, where appropriate.

Under the regulation, an employer applies to a plan for an abatement determination, providing information the plan needs to determine whether withdrawal liability should be abated, and the plan notifies the employer of its determination. The employer may, pending plan action, furnish a bond or escrow instead of making withdrawal liability payments, and must notify the plan if it does so. When the plan then makes its determination, it must notify the bonding or escrow agent.

The regulation also permits a plan to adopt its own abatement rules and request PBGC approval. PBGC uses the information in such a request to determine whether the amendment should be approved.

PBGC estimates that each year over the next 3 years, at most one employer will submit, and one plan will respond to an application for abatement of complete withdrawal liability, and no plan sponsors will request approval of plan abatement rules from PBGC. The estimated annual burden of the collection of information is 0.5 hours and $1,000.

4. Reduction or Waiver of Partial Withdrawal Liability (29 CFR Part 4208) (OMB Control Number 1212–0039)

Section 4208 of ERISA provides for abatement, in certain circumstances, of an employer's partial withdrawal liability and authorizes PBGC to issue additional partial withdrawal liability abatement rules.

Under the regulation, an employer applies to a plan for an abatement determination, providing information the plan needs to determine whether withdrawal liability should be abated, and the plan notifies the employer of its determination. The employer may, pending plan action, furnish a bond or escrow instead of making withdrawal liability payments, and must notify the plan if it does so. When the plan then makes its determination, it must notify the bonding or escrow agent.

The regulation also permits a plan to adopt its own abatement rules and request PBGC approval. PBGC uses the information in such a request to determine whether the amendment should be approved.

PBGC estimates that each year over the next 3 years, at most one employer will submit, and one plan will respond to an application for abatement of partial withdrawal liability, and no plan sponsors will request approval of plan abatement rules from PBGC. The estimated annual burden of the collection of information is 0.50 hours and $1,000.

5. Allocating Unfunded Vested Benefits to Withdrawing Employers (29 CFR Part 4211) (OMB Control Number 1212–0035)

Section 4211(c)(5)(A) of ERISA requires PBGC to prescribe how plans can, with PBGC approval, change the way they allocate unfunded vested benefits to withdrawing employers for purposes of calculating withdrawal liability.

The regulation prescribes the information that must be submitted to PBGC by a plan seeking such approval. PBGC uses the information to determine how the amendment changes the way the plan allocates unfunded vested benefits and how the amendment will affect the risk of loss to plan participants and PBGC.

PBGC estimates that each year over the next 3 years, 10 plan sponsors will submit approval requests under this regulation. The estimated annual burden of the collection of information is 200 hours and $200,000.

6. Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR Part 4219) (OMB Control Number 1212–0034)

Section 4219(c)(1)(D) of ERISA requires that PBGC prescribe regulations for the allocation of a plan's total unfunded vested benefits in the event of a ''mass withdrawal.'' Section 4209(c) of ERISA deals with an employer's liability for de minimis amounts if the employer withdraws in a ''substantial withdrawal.''

The reporting requirements in the regulation give employers notice of a mass withdrawal or substantial withdrawal and advise them of their rights and liabilities. They also provide notice to PBGC so that it can monitor the plan, and they help PBGC assess the possible impact of a withdrawal event on participants and the multiemployer plan insurance program.

PBGC estimates that over the next 3 years, there will be two mass withdrawals and one substantial withdrawal per year. The plan sponsor of a plan subject to a withdrawal covered by the regulation provides notices of the withdrawal to PBGC and to employers covered by the plan, liability assessments to the employers, and a certification to PBGC that assessments have been made. For a mass withdrawal, there are two assessments and two certifications that deal with two different types of liability. For a substantial withdrawal, there is one assessment and one certification (combined with the withdrawal notice to PBGC). The estimated annual burden of the collection of information is 15 hours and $49,500.

7. Procedures for PBGC Approval of Plan Amendments (29 CFR Part 4220) (OMB Control Number 1212–0031)

Under section 4220 of ERISA, a plan may, within certain limits, adopt special plan rules regarding when a withdrawal from the plan occurs and how the withdrawing employer's withdrawal liability is determined. Any such special rule is effective only if, within 90 days after receiving notice and a copy of the rule, PBGC either approves or fails to disapprove the rule.

The regulation provides rules for requesting PBGC's approval of an amendment. PBGC needs the required information to identify the plan; evaluate the risk of loss, if any, posed by the plan amendment; and determine whether to approve or disapprove the amendment.

PBGC estimates that each year over the next 3 years, at most one plan sponsor will submit an approval request under this regulation. The estimated annual burden of the collection of information is 2 hours and $8,000.

Joseph Krettek,

Assistant General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2026–00289 Filed 1–9–26; 8:45 am]

BILLING CODE 7709–02–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Payment of Premiums; Termination Premium

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval of information collection.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information for the termination premium under its regulation on Payment of Premiums. This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted on or before February 11, 2026 to be assured of consideration.

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.

Comments received will be posted without change to PBGC's website, *www.pbgc.gov,* including any personal information provided. Do not submit comments that include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Comments may be submitted anonymously. A copy of the request will be posted on PBGC's website at *www.pbgc.gov/prac/laws-and-regulation/federal-register-notices-open-for-comment.* It may also be obtained without charge by writing to the Disclosure Division (*disclosure@pbgc.gov*), Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101; or, calling 202–229–4040 during normal business hours. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

FOR FURTHER INFORMATION CONTACT: Jose Singer-Freeman (*singer-freeman.jose@pbgc.gov;* 202–701–8073), Attorney, or Monica O'Donnell (*odonnell.monica@pbgc.gov;* 202–229–5507), Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 445 12th Street SW, Washington, DC 20024–2101. If you are deaf or hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of a collection of information under title IV of the Employee Retirement Income Security Act of 1974 (ERISA) and PBGC's premium regulations (29 CFR parts 4006 and 4007) (OMB control number 1212–0064, expires March 31, 2026). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

PBGC administers the pension plan termination insurance program under title IV of ERISA. Section 4006(a)(7) of ERISA provides for a ''termination premium'' (in addition to the flat-rate and variable-rate premiums under sections 4006(a)(3) and (8)) that is payable for 3 years following certain distress and involuntary plan terminations. PBGC's regulations on Premium Rates (29 CFR part 4006) and Payment of Premiums (29 CFR part 4007) implement the termination premium. Sections 4007.3 and 4007.13(b) of the premium payment regulation require the filing of termination premium information and payments with PBGC.

In general, the termination premium applies where a single-employer plan terminates in a distress termination under section 4041(c) of ERISA (unless contributing sponsors and controlled group members meet the bankruptcy liquidation requirements of section 4041(c)(2)(B)(i)) or in an involuntary termination under section 4042 of ERISA, and the termination date under section 4048 of ERISA is after 2005.

The termination premium is payable for 3 years and the same amount is payable each year. The termination premium is due on the 30th day of each of 3 consecutive 12-month periods. The first 12-month period generally begins shortly after the termination date or after the conclusion of bankruptcy proceedings in certain cases. The termination premium and related information must be filed by a person liable for the termination premium. The persons liable for the termination premium are contributing sponsors and members of their controlled groups, determined on the day before the plan termination date. Section 4007.10 of PBGC's Payment of Premiums regulation requires the retention of records supporting or validating the computation of premiums paid and requires that the records be made available to PBGC.

PBGC uses Form T and its corresponding instructions for paying the termination premium. The existing Form T and its corresponding instructions is approved through March 31, 2026, under OMB control number 1212–0064. On August 4, 2025, PBGC published in the **Federal Register** (at 90 FR 36456) a notice informing the public of its intent to request an extension of this collection of information. No comments were received. PBGC is requesting that OMB extend approval of the collection for 3 years. 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.

PBGC estimates that, during the next 3 years, it will receive an average of 1 Form T filing per year. PBGC estimates that the total annual burden for the collection of information will be 5 minutes and $67.

Issued in Washington, DC.

Joseph Krettek,

Assistant General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2026–00288 Filed 1–9–26; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket No. ACR2025; Order No. 9422]

Postal Service Performance Report and Performance Plan

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: On December 29, 2025, the Postal Service filed the FY 2025 Performance Report and FY 2026 Performance Plan with its FY 2025 Annual Compliance Report. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* March 13, 2026. *Reply Comments are due:* March 27, 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:

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I. Introduction

Each year the Postal Service must submit to the Commission its most recent annual performance plan and annual performance report.[1] On December 29, 2025, the Postal Service filed its FY 2025 *Annual Report to Congress* in Docket No. ACR2025.[2] The FY 2025 Annual Report consists of four reports that include the Postal Service's FY 2025 annual performance report (FY 2025 Report) and FY 2026 annual performance plan (FY 2026 Plan).[3]

The FY 2026 Plan reviews the Postal Service's plans for FY 2026. The FY 2025 Report discusses the Postal Service's progress during FY 2025 toward its four performance goals:

- High-Quality Service
- Excellent Customer Experience
- Safe Workplace and Engaged Workforce
- Financial Health

Each year, the Commission must evaluate whether the Postal Service met the performance goals established in the annual performance plan and annual performance report. 39 U.S.C. 3653(d). The Commission may also ''provide recommendations to the Postal Service related to the protection or promotion of public policy objectives set out in'' Title 39. *Id.*

Since Docket No. ACR2013, the Commission has evaluated whether the Postal Service met its performance goals in reports separate from the *Annual Compliance Determination.*[4] The Commission continues this current practice to provide a more in-depth analysis of the Postal Service's progress toward meeting its performance goals and plans to improve performance in future years. To facilitate this review, the Commission invites public comment on the following issues:

- Did the Postal Service meet its performance goals in FY 2025?
- Do the FY 2025 Report and the FY 2026 Plan meet applicable statutory requirements, including 39 U.S.C. 2803 and 2804?
- What recommendations should the Commission provide to the Postal Service that relate to protecting or promoting public policy objectives in Title 39?
- What recommendations or observations should the Commission make concerning the Postal Service's strategic initiatives? [5]
- What other matters are relevant to the Commission's analysis of the FY 2025 Report and the FY 2026 Plan under 39 U.S.C. 3653(d)?

II. Request for Comments

Comments by interested persons are due no later than March 13, 2026. Reply comments are due no later than March 27, 2026. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as Public Representative to represent the interests of the general public in this proceeding with respect to issues related to the Commission's analysis of the FY 2025 Report and the FY 2026 Plan.

III. Ordering Paragraphs

It is ordered:

1. The Commission invites public comments on the Postal Service's FY 2025 Report and FY 2026 Plan.
2. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth R. Moeller to serve as Public Representative to represent the interests of the general public in this proceeding with respect to issues related to the Commission's analysis of the FY 2025 Report and the FY 2026 Plan.
3. Comments are due no later than March 13, 2026.
4. Reply comments are due no later than March 27, 2026.
5. This Order shall be published in the **Federal Register**.

By the Commission.

Ashley Demchak,

Alternate Federal Register Liaison.

[FR Doc. 2026–00320 Filed 1–9–26; 8:45 am]

BILLING CODE 7710–FW–P

[1] 39 U.S.C. 3652(g)(2) and (3); 39 CFR 3050.43(b)(2) and (3).

[2] United States Postal Service Fiscal Year 2025 *Annual Report to Congress,* Library Reference USPS–FY25–17, December 29, 2025, ZIP folder ''USPS–FY25–17.zip,'' PDF file ''ARC FY 25_ Final.pdf'' (FY 2025 Annual Report).

[3] FY 2025 Annual Report at 37–59. The FY 2025 Annual Report also includes the FY 2025 Comprehensive Statement on Postal Service Operations. *Id.* at 2.

[4] *See* Docket No. ACR2013, Postal Regulatory Commission, *Review of Postal Service FY 2013 Performance Report and FY 2014 Performance Plan,* July 7, 2014; Docket No. ACR2014, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2014 Program Performance Report and FY 2015 Performance Plan,* July 7, 2015; Docket No. ACR2015, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2015 Program Performance Report and FY 2016 Performance Plan,* May 4, 2016; Docket No. ACR2016, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2016 Annual Performance Report and FY 2017 Performance Plan,* April 27, 2017; Docket No. ACR2017, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2017 Annual Performance Report and FY 2018 Performance Plan,* April 26, 2018; Docket No. ACR2018, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2018 Annual Performance Report and FY 2019 Performance Plan,* May 13, 2019; Docket No. ACR2019, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2019 Annual Performance Report and FY 2020 Performance Plan,* June 1, 2020; Docket No. ACR2020, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2020 Annual Performance Report and FY 2021 Performance Plan,* June 2, 2021; Docket No. ACR2021, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2021 Annual Performance Report and FY 2022 Performance Plan,* June 30, 2022; Docket No. ACR2022, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2022 Annual Performance Report and FY 2023 Performance Plan,* June 28, 2023; Docket No. ACR2023, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2023 Annual Performance Report and FY 2024 Performance Plan,* July 2, 2024; Docket No. ACR2024, Postal Regulatory Commission, *Analysis of the Postal Service's FY 2024 Annual Performance Report and FY 2025 Performance Plan,* July 23, 2025.

[5] *See* FY 2025 Annual Report at 58–59.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, January 15, 2026.

PLACE: The meeting will be held via remote means and at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

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 8, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–00411 Filed 1–8–26; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104553; File No. SR–CboeBZX–2025–081]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 2, To List and Trade Shares of the Canary PENGU ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares

January 7, 2026.

On June 25, 2025, Cboe BZX Exchange, Inc. (''BZX'' or ''Exchange'') 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 list and trade shares of the Canary PENGU ETF under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares. On July 7, 2025, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original filing in its entirety. On July 8, 2025, the Exchange filed Amendment No. 2 to the proposed rule change, which replaced and superseded the proposed rule change, as modified by Amendment No. 1, in its entirety. The proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register** on July 14, 2025.[3]

On August 25, 2025, pursuant to Section 19(b)(2) of the Act,[4] 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, as modified by Amendment No. 2.[5] On September 25, 2025, the Commission initiated proceedings under Section 19(b)(2)(B) of the Act [6] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 2.[7]

Section 19(b)(2) of the Act [8] provides that, after initiating proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change, as modified by Amendment No. 2, was published for comment in the **Federal Register** on July 14, 2025.[9] The 180th day after publication of the proposed rule change, as modified by Amendment No. 2, is January 10, 2026. The Commission is extending the time period for approving or disapproving the proposed rule change, as modified by Amendment No. 2, for an additional 60 days.

The Commission finds that it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[10] designates March 11, 2026, as the date by which the Commission shall either approve or disapprove the proposed rule change, as modified by Amendment No. 2 (File No. SR–CboeBZX–2025–081).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00294 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 103408 (July 9, 2025), 90 FR 31542. The Commission has received no comment letters on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 103773, 90 FR 42051 (Aug. 28, 2025). The Commission designated Oct. 12, 2025, as the date by which the Commission shall approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change, as modified by Amendment No. 2.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 104070, 90 FR 46974 (Sept. 30, 2025).

[8] 15 U.S.C. 78s(b)(2).

[9] *See supra* note 3 and accompanying text.

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0452]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Notice of Exempt Preliminary Roll-Up Communication

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.

Rule 14a–6(n) (17 CFR 240.14a–6(n)) requires any person that engages in a proxy solicitation subject to Exchange Act Rule 14a–2(b)(4) (17 CFR 240.14a–2(b)(4)) to file a Notice of Exempt Preliminary Roll-Up Communication (''Notice'') (17 CFR 240.14a–104) with the Commission. The Notice provides

information regarding ownership interest and any potential conflicts of interest to be included in statements submitted by or on behalf of a person engaging in the solicitation. We estimate that the Notice takes approximately 0.25 hours per response and is filed once per year by approximately 6 respondents. We estimate that 100% of the burden is carried out internally by the filer. Based on our estimates, we calculate a total annual reporting burden of 2 hours ((0.25 hours per response × 100%) × 6 responses per year), when rounded to the nearest dollar. Because we estimate that 100% of the burden will be carried internally by the filer, we estimate that there is no cost burden associated with the Notice.

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 13, 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 8, 2026.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00324 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104552; File No. SR–NYSEAMER–2025–74]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Change To Amend Certain Rules To List and Trade Options on the Grayscale CoinDesk Crypto 5 ETF

January 7, 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 24, 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 Items I, II, and III below, which Items have been prepared by the Exchange. 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 certain Exchange rules to list and trade options on the Grayscale CoinDesk Crypto 5 ETF. 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 certain Exchange rules to list and trade options on shares or other securities (''Exchange-Traded Fund Shares'') that are principally traded on a national securities exchange and are defined as an ''NMS Stock'' under Rule 600 of Regulation NMS and that represent interests in the Grayscale CoinDesk Crypto 5 ETF (''GDLC'').[4]

Current Rule 915 provides that, subject to certain other criteria set forth in the Rule, securities deemed appropriate for options trading include Exchange-Traded Fund Shares (or ETFs), as defined in Commentary .06, that represent certain types of interests [5]

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 103996 (September 17, 2025) 90 FR 45440 (September 22, 2025) (Order Setting Aside Action by Delegated Authority and Approving a Proposed Rule Change, as Modified by Amendment No. 1, To Amend NYSE Arca Rule 8.500–E (Trust Units) and To List and Trade Shares of the Grayscale Digital Large Cap Fund LLC Under Amended NYSE Arca Rule 8.500–E (Trust Units) (SR–NYSEARCA–2024–87).

[5] *See* Rule 915, Commentary .06, which permits options trading on ETFs that are traded on a national securities exchange and are defined as an ''NMS stock'' in Rule 600(b)(55) of Regulation NMS, that represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse purchase agreements (the ''Financial Instruments''), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments); interests in a trust or similar entity that holds a specified non-U.S. currency deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency and pays the beneficial owner interest and other distributions on deposited non-U.S. currency, if any, declared and paid by the trust (''Currency Trust Shares''); commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (''Commodity Pool Units''); or represents an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (''NAV''), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (''Managed Fund Share''), or represent interests in a Commodity-Based Trust that meet the generic criteria of NYSE Arca Rule 8.201–E (Generic),

and exchange-traded products (''ETPs'') structured as trusts that hold precious metals (which are deemed commodities).[6] Like ETPs backed by precious metals (*i.e.,* commodities), the Exchange proposes to allow options trading on GDLC.[7]

GDLC is one of the world's largest diversified crypto investment funds by assets under management as of the date of this filing. GDLC has approximately $479.7 million in assets under management,[8] and its shares have historically traded in the millions of dollars in daily volume and are held by more than a quarter of a million American investors accounts seeking exposure to the fund's large cap digital assets [9] without the cost and complexity of purchasing any of the individual assets directly.[10]

Like ETFs and ETPs currently deemed appropriate for options trading, the investment objective of GDLC is for its shares to reflect the value of the fund's components (less the fund's expenses and other liabilities), offering investors an opportunity to gain investment exposure to the digital assets held by the fund. Each share of GDLC represents units of fractional undivided beneficial interest in the fund, the assets of which consist of five of the most widely-held digital assets and is designed to track such digital assets or the performance of the price of such digital assets and offer access to the digital asset market.[11] GDLC provides investors with cost-efficient alternatives that allow a level of participation in the digital assets held by the fund through the securities market. The primary substantive difference between GDLC and Exchange-Traded Fund Shares currently deemed appropriate for options trading are that Exchange-Traded Fund Shares may hold securities, certain financial instruments, and specified precious metals (which are deemed commodities), while GDLC holds bitcoin and other digital assets (which are also deemed commodities).

The Exchange believes GDLC satisfies the Exchange's initial listing standards set forth in Commentary .01 to Rule 915.[12] The Exchange notes that GDLC also satisfies the listing standard applied to ETFs traded on the Exchange that they be available for creation and redemption each business day as set forth in Commentary .06(a)(ii).[13]

As an initial matter, GDLC satisfies the criteria and guidelines set forth in Rule 915(a). Pursuant to Rule 915(a), a security on which options may be listed and traded on the Exchange must be duly registered (with the Commission) and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Act) and be characterized by a substantial number of outstanding shares that are widely held and actively traded.[14] GDLC is an NMS Stock as defined in Rule 600 of Regulation NMS under the Act.[15] The Exchange believes GDLC is characterized by a substantial number of outstanding shares that are widely held and actively traded.

As of November 21, 2025, GDLC had the following number of shares outstanding (and corresponding market capitalization):

Underlying fund	Shares outstanding	Market value (11/21/2025)
GDLC	12,007,400	$480.1M

As shown above, GDLC has significantly more than 7,000,000 shares outstanding, which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that stock pursuant to Commentary .01(1) to Rule 915. The Exchange believes this demonstrates that GDLC is characterized by a substantial number of outstanding shares.

Further, the table below contains information regarding the number of beneficial holders of GDLC, as of September 24, 2024:

Underlying fund	Beneficial holders (9/24/2024)
GDLC	16,121

As the table above shows, GDLC has significantly more than 2,000 beneficial holders (approximately 8 times more), which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to pursuant to Commentary .01(2) to Rule 915. Therefore, the Exchange believes the shares of GDLC are widely held.

In addition, the Exchange believes the shares of GDLC are actively traded. As of November 21, 2025, the total trading volume (by shares and notional) for GDLC since it began trading [16] and the average daily volume (''ADV'') over the 30-day period of October 21 through November 21, 2025, was as follows: [17]

Underlying fund	Trading volume (shares)	Trading volume (notional $)	ADV (shares)
GDLC	9,220,524	$483.195M	199,137

except that the Commodity-Based Trust holds a single crypto asset as defined in subparagraph (c); provided that all of the conditions listed in Rules 915 and 916 are met.

[6] *See* Rule 915, Commentary .10 (permitting the listing and trading of options on shares of the following trusts: SPDR Gold Trust, the iShares COMEX Gold Trust the iShares Silver Trust, the ETFS Gold Trust, and the ETFS Silver Trust, pursuant to Rules 915 and 916).

[7] *See* proposed Rule 915, Commentary .10(a) (added to include the listing and trading of options on shares of GDLC, pursuant to Rules 915 and 916).

[8] As of November 21, 2025.

[9] As of November 21, 2025, GDLC's components and their weightings were Bitcoin (76.02%), Ether (14.90%), XRP (5.26%), Solana (3.15%), and Cardano (0.67%).

[10] As of the date of this filing.

[11] The trust may include minimal cash.

[12] Commentary .01 to Rule 915 provides for guidelines to be by the Exchange when evaluating potential underlying securities for Exchange option transactions.

[13] Commentary .06(a)(ii) requires that ETFs must be available for creation or redemption each business day from or through the issuer in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue ETFs in a specified aggregate number even if some or all of the investment assets required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investments has undertaken to deliver the investment assets as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus.

[14] The criteria and guidelines for a security to be considered widely held and actively traded are set forth in Commentary .01 to Rule 915, subject to exceptions.

[15] An ''NMS stock'' means any NMS security other than an option, and an ''NMS security'' means any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan (or an effective national market system plan for reporting transaction in listed options). *See* 17 CFR 242.600(b)(64) (definition of ''NMS security'') and (65) (definition of ''NMS stock'').

[16] GDLC began trading on September 9, 2025. Thus, the measurement period for the trading volume (shares/notional) is September 9, 2025 through November 21, 2025 for GDLC (*i.e.,* two months).

[17] *See* FactSet, 11/21/2025, *https://www.factset.com/data-attribution.*

As demonstrated above, even though GDLC has been trading for less than one year, its trading volume is substantially higher than 2,400,000 shares (approximately four times that amount), which is the minimum 12-month volume the Exchange generally requires for a corporate stock in order to list options on that security as set forth in Commentary .01 to Rule 915. The Exchange believes this data demonstrates that GDLC is characterized by a substantial number of outstanding shares that are actively traded.

In addition to satisfying the Exchange's initial listing standards, options on GDLC will be subject to the Exchange's continued listing standards as set forth in Commentary .07 to Rule 916.[18] Pursuant to Commentary .07 to Rule 916, the Exchange will not open for trading any additional series of option contracts covering a fund traded on the Exchange if such fund ceases to be an ''NMS stock'' as provided for Commentary .01(5) to Rule 915 or the fund is halted from trading on its primary market.[19] Additionally, options on funds traded on the Exchange may be subject to the suspension of opening transactions as follows: (1) the fund no longer meets the terms of Commentary .01 to Rule 916; (2) following the initial twelve-month period beginning upon the commencement of trading of the fund, there are fewer than 50 record and/or beneficial holders of the fund for 30 or more consecutive trading days; (3) the value of the underlying commodity is no longer calculated or available; or (4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing on the Exchange inadvisable.

Options on GDLC will be physically settled contracts with American-style exercise.[20] Consistent with Rule 903, which governs the opening of options series on a specific underlying security (including ETFs and ETPs), the Exchange will open at least one expiration month for options on GDLC[21] at the commencement of trading on the Exchange and may also list series of options on GDLC for trading on a weekly,[22] monthly,[23] or quarterly[24] basis. The Exchange may also list long-term equity option series (''LEAPS'') that expire from twelve to thirty-nine months from the time they are listed.[25]

Pursuant to Rule 903, Commentary .05(a), which governs strike prices of series of options on ETFs, the interval between strike prices of series of options on GDLC will be $1 or greater when the strike price is $200 or less and $5 or greater where the strike price is over $200.[26] Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[27] the $0.50 Strike Program,[28] the $2.50 Strike Price Program,[29] and the $5 Strike Program.[30] Pursuant to Rule 960NY, where the price of a series of GDLC option is less than $3.00, the minimum increment will be $0.05, and where the price is $3.00 or higher, the minimum increment will be $0.10.[31] Any and all new series of GDLC options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Rules 903 and 960NY, as applicable.

Further, the Exchange notes that Rule 462, which governs margin requirements applicable to the trading of all options on the Exchange, including options on ETFs and ETPs, will also apply to the trading of GDLC options.

Rule 903G(a)(1) permits the Exchange to authorize for trading a FLEX option class on any equity security if it may authorize for trading a non-FLEX option class on that equity security pursuant to Rule 915.[32] At this time, the Exchange is not proposing to permit GDLC options to trade as FLEX options.[33] Rule 903G(a)(1) currently specifies this exception.[34]

Position and Exercise Limits

Position and exercise limits for options, including options on GDLC, are determined pursuant to Rules 904 and 905, respectively. Position and exercise limits for options vary according to the number of outstanding shares and the trading volumes of the underlying security over the past six months, where the largest in capitalization and the most frequently traded funds have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization funds have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.[35]

[18] The Exchange proposes to amend Commentary .11 to Rule 916 to include GDLC in the list of ETPs deemed ''Exchange-Traded Fund Shares''—of ETFs—for purposes of the continued listing standards set forth in Commentary .07 to Rule 916. *See* proposed Commentary .11 to Rule 916. For avoidance of doubt, the Exchange refers ''funds'' rather than ''ETFs'' to make clear that GDLC is subject to these continued listing standards.

[19] *See* Commentary .07 to Rule 916.

[20] *See* Rule 902 (Rights and Obligations of Holders and Writers), which provides that the rights and obligations of holders and writers of option contracts of any class of options dealt in on the Exchange shall be as set forth in the Rules of the Clearing Corporation. *See also* OCC Rules, Chapter VIII, which governs exercise and assignment, and Chapter IX, which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts. OCC Rules can be located at: *https://www.theocc.com/getmedia/9d3854cd-b782-450f-bcf7-33169b0576ce/occrules.pdf.*

[21] *See* Rule 903(c), Commentary .03. The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 915. Monthly listings expire the third Friday of the month. The term ''expiration date'' (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. *See* OCC By-Laws Article I, Section 1. Pursuant to Rule 903(d), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to expiration.

[22] *See* Rule 903(h).

[23] *See* Rule 903, Commentary .11.

[24] *See* Rule 903, Commentary .09.

[25] *See* Rule 903, Commentary .03.

[26] The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Monthly Options Series Program, and the Quarterly Options Series Program, Rule 903(h) and Commentaries .09 and .03 to Rule 903, specifically set forth intervals between strike prices on Quarterly Options Series, Short Term Option Series, and Monthly Options Series, respectively.

[27] *See* Rule 903, Commentary .06.

[28] *See* Rule 903, Commentary .13.

[29] *See* Rule 903, Commentary .07(a).

[30] *See* Rule 903, Commentary .12.

[31] If options on GDLC are eligible to participate in the Penny Interval Program, the minimum increment of $0.01 below $3.00 and $0.50 above $3.00 would apply. *See* Rule 960NY(a)(3). *See also* Rule 960.1NY (which describes the requirements for the Penny Interval Program).

[32] *See* Rule 903G(a)(1). *See generally* Section 15 (Flexible Exchange (''FLEX'') Options).

[33] The Exchange will continue ongoing discussions with the Commission regarding appropriate position limits for GDLC and will submit a separate rule filing that would permit the Exchange to authorize for trading FLEX options on GDLC (which filing may propose changes to existing FLEX option position limits for such options if appropriate).

[34] *See* Rule 903G(a)(1) (providing, in relevant part, that the Exchange may approve and open for trading any FLEX Equity Options series on any equity security that is eligible for Non-FLEX Options trading under Rule 915 ''except those set forth in Commentary .10(a) to Rule 915,'' *i.e.,* GDLC).

[35] *See* Commentary .07(a)–(d) to Rule 904. For an option to be eligible for the 50,000-contract limit, the security underlying the option must have most recent six-month trading volume of at least 20,000,000 shares, or most recent six-month trading volume of at least 15,000,000 shares and at least 40,000,000 shares currently outstanding. For an option to be eligible for the 75,000-contract limit, the underlying security must have most recent six-

Position limits are designed to limit the number of options contracts traded on the Exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. The purpose of position limits, which are set forth in Rule 904, is to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. As such, position limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that investors may use for legitimate economic purposes. To achieve this balance, the Exchange proposes to set the position and exercise limits for options on GDLC at 25,000 contracts, a limit which has already been approved for options on IBIT, an ETP that holds a single digital asset, bitcoin.[36] Capping the position limit at 25,000 contracts, the lowest limit available in options, would help to mitigate the risk of potential manipulative schemes and protect investors as this number is conservative for GDLC options and therefore appropriate given its liquidity. Additionally, pursuant to Rule 905, the exercise limits for options on GDLC will be equivalent to this proposed position limit.

The Exchange determined this proposed position and exercise limits considering, among other things, the approximate six-month average daily volume (''ADV'') and outstanding shares of GDLC (which as discussed above demonstrates that GDLC is widely held and actively traded and thus justify these conservatively proposed position limits), as set forth below, along with market capitalization (as of November 21, 2025):

Underlying fund	Six-month ADV	Outstanding shares	Market capitalization ($)
GDLC	146,800	12,007,400	$480.1M

The Exchange then compared the number of outstanding shares of GDLC to those of other ETFs. The following table provides the approximate average position (and exercise) limit of ETF options with similar outstanding shares (as of November 21, 2025), compared to the proposed position and exercise limit for GDLC options:

Underlying fund	Average limit of other ETF options (contracts)	Proposed limit (contracts)
GDLC	225,000	25,000

The Exchange considered current position and exercise limits of options on ETFs [37] with outstanding shares comparable to those of GDLC, with the proposed limit significantly lower (between two and ten times lower) than the average limits of the options on the other ETFs. As discussed above, GDLC is actively held and widely traded (all statistics as of November 21, 2025) because it: (1) has significantly more than 7,000,000 shares outstanding, which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that security pursuant to Commentary .01(1) under Rule 915; (2) GDLC (as of the dates listed above) has significantly more than 2,000 beneficial holders, which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Commentary .01(2) under Rule 915; and (3) GDLC has a six-month trading volume substantially higher than 2,400,000 shares, which is the minimum 12-month volume the Exchange generally requires for a security in order to list options on that security as set forth in Commentary .01(3) under Rule 915.

With respect to outstanding shares, if a market participant held the maximum number of positions possible pursuant to the proposed position and exercise limits, the equivalent shares represented by the proposed position/exercise limit would represent the following approximate percentage of current outstanding shares:

Underlying fund	Proposed position/exercise limit (in equivalent shares)	Outstanding shares	Percentage of outstanding shares
GDLC	2,500,000	12,007,400	20.82

month trading volume of at least 40,000,000 shares, or most recent six-month trading volume of at least 30,000,000 shares and at least 120,000,000 shares currently outstanding. For an option to be eligible for the 200,000-contract limit, the underlying security must have most recent six-month trading volume of at least 80,000,000 shares, or most recent six-month trading volume of at least 60,000,000 shares and at least 240,000,000 shares currently outstanding. For an option to be eligible for the 250,000-contract limit, the security underlying the option must have most recent six-month trading volume of at least 100,000,000 shares, or most recent six-month trading volume of at least 75,000,000 shares and at least 300,000,000 shares currently outstanding. The 25,000-contract limit applies to options on underlying securities that do not qualify for a higher contract limit. *See* Commentary .07(e) to Rule 904. In addition, Commentary .07(f) to Rule 904 establishes higher position limits for options on certain ETFs.

[36] *See* proposed Rule 904, Commentary .07(f).

[37] Over 90% of the ETFs used for comparison have a limit of at least 200,000 contracts, and more than 75% have a limit of 250,000 contracts.

As this table demonstrates, if a market participant held the maximum permissible options positions in GDLC options and exercised all of them at the same time, that market participant would control a small percentage of the outstanding shares of the underling fund.

Exchange Rule 904, Commentary .07, provides two methods of qualifying for a position limit tier above 25,000 option contracts. The first method is based on six-month trading volume in the underlying security, and the second method is based on slightly lower six-month trading volume and number of shares outstanding in the underlying security. An underlying stock or ETF that qualifies for method two based on trading volume and number of shares outstanding would be required to have the minimum number of outstanding shares as shown in middle column of the table below. The table, which provides the equivalent shares of the position limits applicable to equity options, including ETFs, further represents the percentages of the minimum number of outstanding shares [38] that an underlying stock or ETF must have to qualify for that position limit (under the second method described above), all of which are higher than the percentages for GDLC.

Position/exercise limit (in equivalent shares)	Minimum outstanding shares	Percentage of outstanding shares
2,500,000	6,300,000	40
5,000,000	40,000,000	12.5
7,500,000	120,000,000	6.3
20,000,000	240,000,000	8.3
25,000,000	300,000,000	8.3

The equivalent shares represented by the proposed position and exercise limits for GDLC as a percentage of outstanding shares of the underlying fund is significantly lower than the percentage for the lowest possible position limit for equity options of 25,000 (under 6% compared to 40%) and is lower than that percentage for each current position limit bucket.[39]

Based on the foregoing, the Exchange believes the proposal to list options on GDLC with positions and exercise limits of 25,000 on the same side, the lowest position limit available in the options industry, is conservative and appropriate given the market capitalization, average daily volume, and high number of outstanding shares for the underlying fund.

The proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation. The Exchange believes these proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying fund as well as the digital assets that comprise the underlying fund.[40]

As described herein, the Exchange rules that currently apply to the listing and trading of options on the Exchange, including, for example, rules that govern listing criteria, expiration and exercise prices, minimum increments, margin requirements, customer accounts and trading halt procedures will apply to the listing and trading of options on GDLC on the Exchange in the same manner as they apply to all other options on ETFs and ETPs that are listed and traded on the Exchange, including options on other commodity ETPs deemed appropriate for options trading on the Exchange pursuant to Commentary .10 to Rule 915. Further, as described above, Exchange rules regarding position and exercise limits will likewise apply to options on GDLC except that, as proposed, the position and exercise limits will be set at 25,000 on the same side.

* * * * *

The Exchange notes that options on GDLC would not be available for trading until The Options Clearing Corporation (''OCC'') represents to the Exchange that it is fully able to clear and settle such options. The Exchange has also analyzed its capacity and represents that it and The Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the listing of options on GDLC. The Exchange believes any additional traffic that would be generated from the trading of options on GDLC would be manageable. The Exchange represents that Exchange members will not have a capacity issue as a result of this proposed rule change.

The Exchange represents that the same surveillance procedures applicable to all other options currently listed and traded on the Exchange will apply to options on GDLC, and that it has the necessary systems capacity to support the new option series. The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options on ETFs and ETPs, such as (existing) commodity-backed ETP options as well as the proposed options on GDLC. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of options on GDLC in all trading sessions and to deter and detect violations of Exchange rules.

Specifically, the Exchange's market surveillance staff also conducts surveillances with respect to the underlying fund and, as appropriate, would review activity in the underlying fund when conducting surveillances for market abuse or manipulation in the options on GDLC. Additionally, the Exchange is a member of the Intermarket Surveillance Group (''ISG'') under the ISG Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement (''RSA'') with the Financial Industry Regulatory Authority (''FINRA''). Pursuant to a

[38] This is the minimum number of outstanding shares an underlying security must have for the Exchange to continue to list options on that security, so this would be the smallest number of outstanding shares permissible for any corporate option that would have a position limit of 25,000 contract. *See* Rule 916, Commentary .01(1). This rule applies to corporate stock options but not ETF options, which currently have no requirement regarding outstanding shares of the underlying ETF for the Exchange to continue listing options on that ETF. Therefore, there may be ETF options trading for which the 25,000 contract position limit represents an even larger percentage of outstanding shares of the underlying ETF than set forth above.

[39] As these percentages are based on the minimum number of outstanding shares an underlying security must have to qualify for the applicable position limit, these are the highest possible percentages that would apply to any option subject to that position and exercise limit.

[40] *See* Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR–CBOE–1997–11).

multi-party 17d–2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances.[41] Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on GDLC.

In light of surveillance measures related to both options and futures as well as the underlying fund, the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on GDLC.

Finally, quotation and last sale information for ETFs is available via the Consolidated Tape Association (''CTA'') high speed line. Quotation and last sale information for such securities is also available from the exchange on which such securities are listed. Quotation and last sale information for options on GDLC will be available via OPRA and major market data vendors.

The Exchange believes that offering options on GDLC will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of the digital assets that comprise the underlying fund and hedging vehicle to meet their investment needs in connection with such products and positions. The Exchange expects investors will transact in options on GDLC in the unregulated over-the-counter (''OTC'') options market,[42] but may prefer to trade such options in a listed environment to receive the benefits of trading listed options, including (1) enhanced efficiency in initiating and closing out position; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing options on GDLC may cause investors to bring this liquidity to the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange notes that the ETPs that hold precious metal commodities on which the Exchange may already list and trade options are trusts structured in substantially the same manner as GDLC and essentially offer the same objectives and benefits to investors, just with respect to different assets.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[43] in general and furthers the objectives of Section 6(b)(5) of the Act[44] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposal to list and trade options on GDLC will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on GDLC will provide investors with an opportunity to realize the benefits of utilizing options on a fund that includes bitcoin and other digital assets, including cost efficiencies and increased hedging strategies.

The Exchange believes that offering GDLC options will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of multiple digital assets, including bitcoin, and with digital asset-related products and positions. Additionally, the Exchange's offering of GDLC options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the OTC options market, which would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists options on other commodity-based ETPs,[45] which, as described above, are trusts structured in substantially the same manner as GDLC and offer the same objectives and benefits to investors.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange rules previously filed with the Commission. As detailed above, options on GDLC satisfy the initial listing standards currently in the Exchange rules applicable to options on all ETFs and ETPs, including ETPs that hold other commodities already deemed appropriate for options trading on the Exchange. Additionally, as demonstrated above, GDLC is characterized by a substantial number of shares that are widely held and actively traded. GDLC options will trade in the same manner as any other ETF or ETP options—the same Exchange rules that currently govern the listing and trading of other options, including initial and continued listing requirements, permissible expirations, strike prices, minimum increments, and margin requirements, will govern the listing and trading of options on GDLC.

The Exchange believes the proposed rule change to exclude GDLC from being eligible for trading as FLEX options is consistent with the Act, because it will permit the Exchange to continue to participate in ongoing discussions with the Commission regarding appropriate position limits for options on GDLC.[46]

The proposed position and exercise limit for options on GDLC is 25,000 contracts. These position and exercise limits are the lowest position and exercise limits available in the options industry, are extremely conservative and more than appropriate given GDLC's market capitalization, average daily volume, number of beneficial holders, and high number of outstanding shares. The proposed position and exercise limits are consistent with the Act as they address concerns related to manipulation and protection of investors because the proposed position and exercise limits are extremely conservative and more than appropriate given GDLC is actively traded.

The Exchange also believes the proposed rule change to Rule 903G(a), to make clear that options on GDLC is

[41] Section 19(g)(1) of the Act, among other things, requires every SRO registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. *See* 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO. Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

[42] The Exchange understands from customers that investors have historically transacted in options on ETFs in the OTC options market if such options were not available for trading in a listed environment.

[43] 15 U.S.C. 78f(b).

[44] 15 U.S.C. 78f(b)(5).

[45] *See* Rule 915, Commentary .10.

[46] The Exchange will submit a separate rule filing that would permit the Exchange to authorize for trading FLEX options on GDLC (which filing may propose changes to existing FLEX option position limits for such options if appropriate).

not eligible for FLEX trading, will remove impediments to and perfect the mechanism of a free and open market and a national market system because it adds clarity and transparency to Exchange rules making them easier to navigate and understand to the benefit of investors and the public interest.

The Exchange represents that it has the necessary systems capacity to support the new GDLC options. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options, including GDLC options. The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options on ETFs and ETPs, such as (existing) precious metal-commodity backed ETP options as well as the proposed options on GDLC. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of options on GDLC in all trading sessions and to deter and detect violations of Exchange rules.

Specifically, the Exchange's market surveillance staff also conducts surveillances with respect to the underlying fund and, as appropriate, would review activity in the underlying fund when conducting surveillances for market abuse or manipulation in options on GDLC. Additionally, the Exchange is a member of the ISG under the ISG Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange is a party to an RSA with FINRA and, as noted herein, pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on GDLC.

In light of surveillance measures related to both options and futures as well as the underlying fund, the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on GDLC. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on GDLC.

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 purposes of the Act.

Intramarket Competition: The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as options on GDLC would need to satisfy the initial listing standards set forth in Exchange rules in the same manner as any other ETF options before the Exchange could list and trade them. Additionally, GDLC options will be equally available to all market participants who wish to trade such options. The Exchange rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of options on GDLC. Also, and as stated above, the Exchange already lists options on other commodity-based ETPs.[47]

Intermarket Competition: The Exchange does not believe that the proposal to list and trade options on GDLC will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of GDLC options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on GDLC. The Exchange notes that listing and trading GDLC options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market.

The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering GDLC options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with exposure to the price of multiple digital assets, including bitcoin, and with digital asset-related products and positions on a listed options exchange.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. by order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be 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–2025–74 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–2025–74. 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

[47] *See* Rule 915, Commentary .10.

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–2025–74 and should be submitted on or before February 2, 2026.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[48]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00293 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 91 FR 185, January 2, 2026

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, January 8, 2026, at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, January 8, 2026 at 2:00 p.m. has been cancelled.

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 8, 2026.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2026–00412 Filed 1–8–26; 4:15 pm]

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SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0376]

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension: Schedule 14D–1F–Tender Offer Statement

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.

Schedule 14D–1F (17 CFR 240.14d–102) is a form that may be used by any person (the ''bidder'') making a cash tender or exchange offer for securities of any issuer (the ''target'') incorporated or organized under the laws of Canada or any Canadian province or territory that is a foreign private issuer, where less than 40% of the outstanding class of the target's securities that is the subject of the offer is held by U.S. holders. Schedule 14D–1F is designed to facilitate cross-border transactions in the securities of Canadian issuers. The information required to be filed with the Commission provides security holders with material information regarding the bidder as well as the transaction so that they may make informed investment decisions. We estimate that Schedule 14D–1F takes approximately 3.5 hours per response to prepare and is filed once per year by approximately 2 bidders. We estimate that 100% of the burden is carried out internally by the bidder. Based on our estimates, we calculate a total annual reporting burden of 7 hours ((3.5 hours per response × 100%) × 2 responses per year). Because we estimate that 100% of the burden will be carried internally by the bidder, we estimate that there is no cost burden associated with Schedule 14D–1F.

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 13, 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. 2026–00297 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–104554; File No. SR–NYSEARCA–2025–77]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade Shares of the T. Rowe Price Active Crypto ETF Under NYSE Arca Rule 8.201–E (Non-Generic) Commodity-Based Trust Shares

January 7, 2026.

On November 6, 2025, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') 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 list and trade shares of the T. Rowe Price Active Crypto ETF under NYSE Arca Rule 8.201–E (Non-Generic) Commodity-Based Trust Shares. The proposed rule change was published for 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

[48] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 104243 (Nov. 24, 2025), 90 FR 54769. The Commission has received no comment letters on the proposed rule change.

[4] 15 U.S.C. 78s(b)(2).

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 and the issues raised therein. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates February 26, 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–NYSEARCA–2025–77).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2026–00295 Filed 1–9–26; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Draft FAA Transition Plan to Unleaded Aviation Gasoline

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability; request for comments.

SUMMARY: 2024 FAA Reauthorization Act, Section 827, directed FAA to develop a formal Transition Plan to unleaded Avgas. The FAA is seeking public comments on the draft FAA Transition Plan to Unleaded Aviation Gasoline to facilitate a structured, safe, timely, coordinated, and orderly transition to unleaded aviation gasoline alternatives while maintaining the operational efficiency of the general aviation fleet. The comprehensive framework outlined in this transition plan encompasses fuel authorizations and comparison testing, market experience, and the national transition to unleaded fuel(s).

DATES: Comments on this notice must be submitted on or before March 13, 2026.

ADDRESSES: Draft FAA Transition Plan to Unleaded Aviation Gasoline document can be viewed and receive comment submissions through the FAA's Aviation Safety Draft Documents website, *https://www.faa.gov/aircraft/draft_docs.*

FOR FURTHER INFORMATION CONTACT: Paul Wrzesinski, Ph.D., FAA Office of Senior Technical Experts, Aircraft Certification Service, 800 Independence Avenue SW, Washington, DC 20591, Telephone (405) 945–6626, Email *paul.j.wrzesinski@faa.gov.* Alternate contact: Maria DiPasquantonio, FAA Office of Senior Technical Experts, Aircraft Certification Service, 800 Independence Avenue SW, Washington, DC 20591, Telephone (202) 267–9336, Email: *Maria.DiPasquantonio@faa.gov*.

SUPPLEMENTARY INFORMATION: The Draft FAA Transition Plan to Unleaded Aviation Gasoline outlines strategies to safely eliminate lead aviation fuels, approve unleaded alternatives for all piston-engine aircraft, ensure continued availability of aviation gasoline, and promote widespread access to unleaded aviation gasoline at airports. Building on years of collaborative efforts through the government-industry initiative, Eliminate Aviation Gasoline Lead Emissions (EAGLE), this plan aims to transition to lead-free aviation fuels for piston-engine aircraft in a safe and efficient manner. The 2024 FAA Reauthorization Act Section 827 reinforces the critical need for this transition, mandating that FAA continue collaborations with industry and federal stakeholders to eliminate lead emissions from aviation gasoline by 2030 (2032 in Alaska).

Issued in Washington, DC, on January 6, 2026.

Caitlin E. Locke,

Executive Director, Aircraft Certification Service.

[FR Doc. 2026–00296 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0147]

Qualification of Drivers: Skill Performance Evaluation Program; Virginia Department of Motor Vehicles Application for Exemption Renewal

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

ACTION: Notice of final disposition; renewal of exemption.

SUMMARY: FMCSA announces its decision to renew the exemption for truck and bus drivers who are licensed in the Commonwealth of Virginia and need a Skill Performance Evaluation (SPE) Certificate to operate commercial motor vehicles (CMV) in interstate commerce. FMCSA has analyzed the exemption renewal application and the public comment and has determined that the exemption, subject to the terms and conditions set forth below, is likely to achieve a level of safety that is equivalent to, or greater than, the level that would be achieved in the absence of the exemption.

DATES: The exemption is effective January 8, 2026, and expires July 8, 2027.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *FMCSAMedical@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Dockets Operations, (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Viewing Comments and Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2013-0147/document* 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 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.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315(b) to grant exemptions from the Federal Motor Carrier Safety Regulations (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 analyses. The Agency must also 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 absent such exemption, pursuant to the standard set forth in 49 U.S.C. 31315(b)(1). The Agency must publish the decision in the **Federal**

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

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. Background

Current Regulatory Requirements

CMV drivers who are otherwise qualified to drive a CMV, but are not physically qualified to drive under 49 CFR 391.41(b)(1) or (2) because of a loss or impairment of a limb, may drive a CMV if FMCSA has granted an SPE certificate to that person under 49 CFR 391.49.

Application for Renewal of Exemption

The Virginia Department of Motor Vehicles's (VA DMV) application for exemption renewal was described in detail in a **Federal Register** notice published on July 7, 2025 (90 FR 29928), and will not be repeated as the facts have not changed.

IV. Public Comments

The Agency received one comment. Joseph Dillon is in favor of all States or FMCSA's field offices having the ability to renew SPE certificates. He explained that individuals who have a fixed limb loss should have a permanent waiver as the current requirement to renew an SPE certificate is every two years.

V. FMCSA Decision

FMCSA has evaluated the application from the VA DMV and the comment filed and grants the exemption renewal. Virginia's SPE program is essentially identical to the current FMCSA SPE program and is subject to oversight by FMCSA to ensure that Virginia's processes are equivalent to FMCSA's SPE processes. Virginia continues to adhere to the application process modeled on the FMCSA process. Virginia's personnel who conduct the SPEs complete the same training as FMCSA personnel conducting SPEs and follow the same procedures and testing criteria used by FMCSA. FMCSA has conducted monitoring and SPE program reviews and Virginia continues to maintain records of applications, testing, and certificates issued for periodic review by FMCSA. Based on FMCSA's analyses of the applications and the program, FMCSA has determined that continuing the exemption for the class of exempted drivers and continuing to allow the VA DMV to issue SPE certificates for Virginia residents will likely achieve a level of safety equivalent to what would be achieved in the absence of this exemption. While FMCSA's provisional notice stated it was considering renewing this exemption through July 8, 2030, FMCSA has decided this renewal will expire on July 8, 2027, to be consistent with the Agency's most recent renewal of this exemption which was also for a two-year period (88 FR 43065, July 6, 2023).

VI. Exemption

A. Applicability of Exemption

Under this exemption, the VA DMV is permitted to issue an SPE certificate for interstate drivers who have experienced an impairment or loss of a limb and are licensed in the Commonwealth of Virginia, subject to the following terms and conditions:

B. Terms and Conditions

1. VA DMV's SPE program must be substantially similar to the current requirements in 49 CFR 391.49.
2. VA DMV must maintain an application process modeled on the FMCSA process and submit information concerning the application process to FMCSA's Medical Programs Division for review, upon request.
3. State personnel who conduct SPEs must complete SPE training identical to that of FMCSA personnel currently administering the Federal SPE program.
4. The VA DMV SPE and SPE scoring must be done using the same procedures and testing criteria used by FMCSA.
5. VA DMV must maintain records of applications, testing, and certificates issued for periodic review by FMCSA.
6. VA DMV must submit a monthly report to FMCSA listing the names and license numbers of each driver tested by the State and the result of the SPE (pass or fail).
7. Upon request, the VA DMV must provide records required to be retained under this exemption and provide any other information necessary for FMCSA to evaluate the VA DMV's compliance with the terms and conditions of this exemption.
8. Each driver who receives a State-issued SPE certificate must carry a copy of the certificate when driving for presentation to authorized Federal, State, or local law enforcement officials.

C. Preemption

In accordance with 49 U.S.C. 31315(d), as implemented by 49 CFR 381.600, during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption. An exemption granted under the authority of 49 U.S.C. 31315(b) preempts State laws and regulations that conflict with or are inconsistent with the exemption. The decision to grant the exemption amounts to automatic Federal ratification of the State-issued SPE Certificate and therefore prohibits other jurisdictions from requiring a separate FMCSA-issued SPE. The State-issued certificate must be treated as if it had been issued by FMCSA. Virginia-licensed drivers who receive the State-issued SPE certificate are allowed to operate CMVs in interstate commerce.

VII. Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, the exemption will be rescinded if: (1) the VA DMV or the drivers operating under the exemption fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

Derek Barrs,

Administrator.

[FR Doc. 2026–00318 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2025–0753]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Union Railroad (URR) petitioned FRA seeking approval to discontinue or modify a signal system.

DATES: FRA must receive comments on the petition by February 11, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Scott Johnson, Railroad Safety Specialist, FRA Signal, Train Control, and Crossings Division, telephone: 406–210–3608, email: *scott.j.johnson@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that by letters dated September 2 and October 24, 2025, URR petitioned FRA seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2025–0753.

Specifically, URR requests to discontinue controlled point (CP) Mon Valley, including

- signals 62, 64, 66, 68, 72, and 74;
- power switches 63, 65, 69, and 73; and
- track circuits 63T, 63AT, 69T, and 69AT.

URR states that the subject area is used for switching leads and yard tracks and is located in Braddock, Pennsylvania. The changes are requested ''due to planned changes in the layout and operations of U. S. Steel's Edgar Thomson Works . . . in conjunction with the U. S. Steel/Nippon Steel merger'' to enable steel coils to be shipped from the mill. In its petition, URR explains that the area south of signal 62 will be converted to non-circuited yard territory.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by February 11, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–00379 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2007–28340]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that Union Pacific Railroad Company (UPRR) petitioned FRA for relief from certain regulations concerning movement of freight cars in cross-border interchange.

DATES: FRA must receive comments on the petition by February 11, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Steven Zuiderveen, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–6337, email: *steven.zuiderveen@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter received October 17, 2025, UPRR petitioned FRA for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215 (Railroad Freight Car Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices). FRA assigned the petition Docket Number FRA–2007–28340.

UPRR requests continued relief from part 215 and § 232.205(a)(1), *Class I brake test—initial terminal inspection,* to move freight cars received in interchange from Kansas City Southern de Mexico at the West Rail International Bridge, located west of Brownsville, Texas, to Olmito, Texas. The required inspections are conducted at the Olmito yard, which is 5.65 miles from the bridge.

In support of its petition, UPRR stated that the Olmito yard operations are ''aligned with current Customs/Border Patrol agents and other security[-]related agencies facilitating necessary inspection and testing of equipment'' received in interchange. Further, UPRR stated that the relief avoids ''unnecessary congestion at the point of interchange while allowing a safer environment for railroad personnel to conduct the required inspections of rail equipment.'' In addition, UPRR wrote that the relief will reduce opportunities for contraband or individuals to unlawfully enter the United States on rail equipment.

A copy of the petition, as well as any written communications concerning the

petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by February 11, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–00374 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2005–21179]

Notice of Petition for Extension of Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that the Union Pacific Railroad Company (UPRR) petitioned FRA for an extension of relief from certain regulations concerning air pressure in train brake systems.

DATES: FRA must receive comments on the petition by February 11, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Check Kam, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–366–2139, email: *check.kam@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated October 4, 2025 UPRR petitioned FRA for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 229 (Railroad Locomotive Safety Standards) and 232 (Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices). FRA assigned the petition Docket Number FRA–2005–21179.

UPRR requests extended relief from 49 CFR 229.49(a)(1), *Main reservoir system,* and § 232.103(o)(2), *General requirements for all train brake systems,* for locomotives having a safety valve on the main reservoir, which prevents accumulation of more than 25 psi above maximum working pressure. In the petition, UPRR seeks to continue allowing locomotives to have their main reservoir safety valve set at 150 pounds per square inch (psi) with a maximum working pressure of 125 psi. In support of the relief, UPRR states that the waiver ''reduces the risk of [a locomotive] having the safety valve blowing when . . . in a consist with [MU] locomotives that have an air system pumping at 130–140 psi.''

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by February 11, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–00382 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2026–0001]

Establishment of an Emergency Relief Docket for Calendar Year 2026

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of establishment of public docket.

SUMMARY: This Notice announces the establishment of FRA's emergency relief docket (ERD) for calendar year 2026. The designated ERD for calendar year 2026 is docket number FRA–2026–0001.

ADDRESSES: See Supplementary Information section for further information regarding submitting petitions and/or comments to docket number FRA–2026–0001.

SUPPLEMENTARY INFORMATION: On May 19, 2009, FRA published a direct final rule establishing ERDs and the procedures for handling petitions for emergency waivers of safety rules, regulations, or standards during an emergency situation or event. 74 FR 23329. That direct final rule became effective on July 20, 2009, and made minor modifications to 49 CFR 211.45 in FRA's Rules of Practice in 49 CFR part 211. Section 211.45(b) provides that each calendar year FRA will establish an ERD in the publicly accessible DOT docket system (available at *www.regulations.gov*). Section 211.45(b) further provides that FRA will publish a notice in the **Federal Register** identifying by docket number the ERD for that year. FRA established the ERD and emergency waiver procedures to provide an expedited process for FRA to address the needs of the public and the railroad industry during emergency situations or events. This Notice announces the designated ERD for calendar year 2026 is docket number FRA–2026–0001.

As detailed in § 211.45, if the FRA Administrator determines an emergency event as defined in 49 CFR 211.45(a) has occurred, or that an imminent threat of such an emergency occurring exists, and public safety would benefit from providing the railroad industry with operational relief, the emergency waiver procedures of 49 CFR 211.45 will go into effect. In such an event, the FRA Administrator will issue a statement in the ERD indicating the emergency waiver procedures are in effect and FRA will make every effort to post the statement on its website at *railroads.dot.gov.* Any party desiring relief from FRA regulatory requirements as a result of the emergency should submit a petition for emergency waiver under 49 CFR 211.45(e) and (f). Specific instructions for filing petitions for emergency waivers under 49 CFR 211.45 are found at 49 CFR 211.45(f). Specific instructions for filing comments in response to petitions for emergency waivers are at 49 CFR 211.45(h).

Privacy

Anyone can search the electronic form of any written communications and comments received into any of DOT's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–00377 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2025–0687]

Notice of Petition for Waiver of Compliance

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This document provides the public notice that BNSF Railway Company (BNSF) petitioned FRA for relief from certain regulations concerning remote control locomotives.

DATES: FRA must receive comments on the petition by February 11, 2026. FRA will consider comments received after that date to the extent practicable.

ADDRESSES:

Comments: Comments related to this docket may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *https://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Derrick Griffith, Railroad Safety Specialist, FRA Motive Power & Equipment Division, telephone: 202–493–6322, email: *derrick.griffith@dot.gov.*

SUPPLEMENTARY INFORMATION: Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that by letter dated August 27, 2025, BNSF petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 229 (Railroad Locomotive Safety Standards). FRA assigned the petition Docket Number FRA–2025–0687.

Specifically, BNSF seeks relief from § 229.15(b)(4), *Inspection, testing, and repair,* which requires locomotives that use remote control pullback protection to ''perform a conditioning run over a track'' with a positive train stop system ''to ensure that the system functions as intended.'' The regulation states that the conditioning run be conducted ''at the first practical time after the start of each shift, but no more than 2 hours after the start of that shift.'' BNSF seeks to move the timing of the run ''to align with the first movement on the track protected by the Pullback System.''

In support of its request, BNSF states that the relief will not eliminate the conditioning run required by the regulation, but rather change the timing, so that the remote control operator can ascertain ''that the Pullback System is functioning as intended by operating the locomotive to the transponder point.'' BNSF notes that the purpose of the conditioning run, to verify the pullback system is functioning prior to the operator continuing their work, is preserved. Further, BNSF suggests that the relief will promote greater use of remote control pullback protection within rail yards, which in turn could promote greater safety outcomes.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

Communications received by February 11, 2026 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Privacy Act

Anyone can search the electronic form of any written communications and comments received into any of FRA's dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 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 *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2026–00376 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection: Activity Under OMB Review; Report of Traffic and Capacity Statistics—The T–100 System

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of DOT requiring U.S. and foreign air carriers to file traffic and capacity data pursuant to 14 CFR 241.19 and Part 217, respectively. These reports are used to measure air transportation activity to, from, and within the United States.

DATES: Written comments should be submitted by March 13, 2026.

Comments: Comments should identify the associated OMB approval # 2138–0040 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB #2138–0040, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

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

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: 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 the comment, if 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).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: Jennifer Rodes, Office of Airline Information, RTS–42, Room E34–420, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–8513, Fax Number (202) 366–3383 or Email *jennifer.rodes@dot.gov.*

SUPPLEMENTARY INFORMATION:

OMB Approval No. 2138–0040.

Title: Report of Traffic and Capacity Statistics—The T–100 System.

Form No.: Schedules T–100 and T–100(f).

Type of Review: Extension of a currently approved collection.

Respondents: Certificated, commuter and foreign air carriers that operate to, from or within the United States.

T100 Form

Number of Respondents: 125.
Number of Annual responses 1,500.
Total Burden per Response: 6 hours.
Total Annual Burden: 9,000 hours.

T100F Form

Number of Respondents: 233.
Number of Annual responses 2,796.
Total Burden per Response: 2 hours.
Total Annual Burden: 5,592 hours.
Needs and Uses:

Airport Improvement

The Federal Aviation Administration uses enplanement data for U.S. airports to distribute the annual Airport Improvement Program (AIP) entitlement funds to eligible primary airports, *i.e.,* airports which account for more than 0.01 percent of the total passengers enplaned at U.S. airports. Enplanement data contained in Schedule T–100/T–100(f) are the sole data base used by the FAA in determining airport funding. U.S. airports receiving significant service from foreign air carriers operating small aircraft could be receiving less than their fair share of AIP entitlement funds. Collecting Schedule T–100(f) data for small aircraft operations will enable the FAA to distribute these funds more fairly.

Air Carrier Safety

The FAA uses traffic, operational and capacity data as important safety indicators and to prepare the air carrier traffic and operation forecasts that are used in developing its budget and staffing plans, facility and equipment funding levels, and environmental impact and policy studies. The FAA monitors changes in the number of air carrier operations as a way to allocate inspection resources and in making decisions as to increased safety surveillance. Similarly, airport activity statistics are used by the FAA to develop airport profiles and establish priorities for airport inspections.

Acquisitions and Mergers

While the Justice Department has the primary responsibility over air carrier acquisitions and mergers, the Department reviews the transfer of

international routes involved to determine if they would substantially reduce competition, or determine if the transaction would be inconsistent with the public interest. In making these determinations, the proposed transaction's effect on competition in the markets served by the affected air carriers is analyzed. This analysis includes, among other things, a consideration of the volume of traffic and available capacity, the flight segments and origins-destinations involved, and the existence of entry barriers, such as limited airport slots or gate capacity. Also included is a review of the volume of traffic handled by each air carrier at specific airports and in specific markets which would be affected by the proposed acquisition or merger. The Justice Department uses T–100 data in carrying out its responsibilities relating to airline competition and consolidation.

Traffic Forecasting

The FAA uses traffic, operational and capacity data as important safety indicators and to prepare the air carrier traffic and operation forecasts. These forecasts are used by the FAA, airport managers, the airlines and others in the air travel industry as planning and budgeting tools.

Airport Capacity Analysis

The mix of aircraft types are used in determining the practical annual capacity (PANCAP) at airports as prescribed in the FAA Advisory Circular *Airport Capacity Criteria Used in Preparing the National Airport Plan.* The PANCAP is a safety-related measure of the annual airport capacity or level of operations. It is a predictive measure which indicates potential capacity problems, delays, and possible airport expansions or runway construction needs. If the level of operations at an airport exceeds PANCAP significantly, the frequency and length of delays will increase, with a potential concurrent risk of accidents. Under this program, the FAA develops ways of increasing airport capacity at congested airports.

Airline Industry Status Evaluations

The Department apprizes Congress, the Administration and others of the effect major changes or innovations are having on the air transportation industry. For this purpose, summary traffic and capacity data as well as the detailed segment and market data are essential. These data must be timely and inclusive to be relevant for analyzing emerging issues and must be based upon uniform and reliable data submissions that are consistent with the Department's regulatory requirements.

Mail Rates

The Department is responsible for establishing international and intra-Alaska mail rates. International mail rates are set based on scheduled operations in four geographic areas: Trans-border, Latin America, operations over the Atlantic Ocean and operations over the Pacific Ocean. Separate rates are set for mainline and bush Alaskan operations. The rates are updated every six months to reflect changes in unit costs in each rate-making entity. Traffic and capacity data are used in conjunction with cost data to develop the required unit cost data.

Essential Air Service

The Department reassesses service levels at small domestic communities to assure that capacity levels are adequate to accommodate current demand.

System Planning at Airports

The FAA is charged with administering a series of grants that are designed to accomplish the necessary airport planning for future development and growth. These grants are made to state metropolitan and regional aviation authorities to fund needed airport systems planning work. Individual airport activity statistics, nonstop market data, and service segment data are used to prepare airport activity level forecasts.

Review of IATA Agreements

The Department reviews all of the International Air Transport Association (IATA) agreements that relate to fares, rates, and rules for international air transportation to ensure that the agreements meet the public interest criteria. Current and historic summary traffic and capacity data, such as revenue ton-miles and available ton-miles, by aircraft type, type of service, and length of haul are needed to conduct these analyses: to (1) develop the volume elements for passenger/cargo cost allocations, (2) evaluate fluctuations in volume of scheduled and charter services, (3) assess the competitive impact of different operations such as charter versus scheduled, (4) calculate load factors by aircraft type, and (5) monitor traffic in specific markets.

Foreign Air Carriers Applications

Foreign air carriers are required to submit applications for authority to operate to the United States. In reviewing these applications, the Department must find that the requested authority is encompassed in a bilateral agreement, other intergovernmental understanding, or that granting the application is in the public interest. In the latter cases, T–100 data are used in assessing the level of benefits that carriers of the applicant's homeland presently are receiving from their U.S. operations. These benefits are compared and balanced against the benefits U.S. carriers receive from their operations to the applicant's homeland.

Air Carrier Fitness

The Department determines whether U.S. air carriers are and continue to be fit, willing and able to conduct air service operations without undue risk to passengers and shippers.

The Department monitors a carrier's load factor, operational, and enplanement data to compare with other carriers with similar operating characteristics. Carriers that expand operations at a high rate are monitored more closely for safety reasons.

International Civil Aviation Organization

Pursuant to an international agreement, the United States is obligated to report certain air carrier data to the International Civil Aviation Organization (ICAO). The traffic data supplied to ICAO are extracted from the U.S. air carriers' Schedule T–100 submissions.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued on January 8, 2026.

Rolf Schmitt,

Acting Director, Office of Airline Information, Bureau of Transportation Statistics, U.S. Department of Transportation, Washington, DC.

[FR Doc. 2026–00371 Filed 1–9–26; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities: Comment on Return of Excise Taxes Related to Employee Benefit Plans

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 13, 2026 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcias, Internal Revenue Service, Room 6526, 1111 Constitution Avenue, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include, ''OMB Number: 1545–0575'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, at (202) 317–6009.

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: Return of Excise Taxes Related to Employee Benefit Plans.

OMB Number: 1545–0575.

Form Number: 5330 and 8868.

Abstract: Internal Revenue Code sections 4971, 4972, 4973(a)(3), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979, 4979A, and 4980 impose excise taxes on certain employers with employee benefit plans. Form 5330 is used to report and pay the excise taxes related to employee benefit plans. Form 8868 is used to request an extension of time to file an exempt organization return or excise taxes return related to employee benefit plans.

Current Actions: There is no change to the previously approved information collection;

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 26,460.

Estimated Time per Respondent: 47 hrs. 26 min.

Estimated Total Annual Burden Hours: 1,255,149.

Dated: January 6, 2026.

LaNita Van Dyke,

IRS Tax Analyst.

[FR Doc. 2026–00334 Filed 1–9–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Agency Information Collection Activities; Comment Request on TD 8649, Netting Rule for Certain Conversion Transactions

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 13, 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. 1545–1452 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to LaNita Van Dyke, (202) 317–6009, or by email to *Lanita.vandyke@irs.gov.*

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 8649, Netting Rule for Certain Conversion Transactions.

OMB Number: 1545–1452.

Regulation Project Number: TD 8649.

Abstract: Internal Revenue Code (IRC) section 1258 recharacterizes capital gains from conversion transactions as ordinary income to the extent of the time value element. Treasury Regulations section 1.1258–1 provides that certain gains and losses may be netted for purposes of determining the amount of gain recharacterized. To be eligible for netting relief, the taxpayer must identify on its books and records all the positions that are part of the conversion transaction before the close of the day on which the positions become part of the conversion transaction.

Current Actions: There is no change to the existing collection.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and households, business or other for-profit organizations.

Estimated Number of Responses: 50,000.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 5,000.

Dated: January 6, 2026.

LaNita Van Dyke,

Tax Analyst.

[FR Doc. 2026–00335 Filed 1–9–26; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2026–VACO–0002]

Implementation of Section 120 of the Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act

AGENCY: Department of Veterans Affairs.

ACTION: Notification of sub-regulatory guidance.

SUMMARY: This notice informs the public of the Department of Veterans Affairs (VA) implementation of section 120 of the Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act, which allows VA to increase the expenditure cap for non-institutional care alternatives for eligible veterans.

DATES: This guidance is effective on September 11, 2025.

FOR FURTHER INFORMATION CONTACT: Daniel Schoeps, Director, Purchased Long Term Services and Supports, Office of Geriatrics and Extended Care, Veterans Health Administration, (202) 461–6750.

SUPPLEMENTARY INFORMATION: On January 2, 2025, the President signed into law the Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act (the Act). Public Law 118–210. Section 120(a) of the Act amended 38 U.S.C. 1720C(d), which generally governs the provision of non-institutional care alternatives for eligible veterans. Under this amendment, VA may pay up to 100% of the cost that would otherwise have been incurred by VA during that fiscal year if the veteran had been furnished, instead, nursing home care under 38 U.S.C. 1710 during that fiscal year. The cost of nursing home care is established for each Veterans Integrated Service Network based on the cost of care in a community living center and published each year by the Office of Geriatrics and Extended Care. Section 120(a) further amended section 1720C(d) to permit VA to exceed this payment cap for certain veterans if VA determines, based on a consideration of clinical need, geographic market factors, and such other matters as VA may prescribe through regulation, that such higher total cost is in the best interest of the veteran. Veterans eligible for non-institutional care costs in excess of the nursing home care rate are those with amyotrophic lateral sclerosis (ALS), a spinal cord injury, or a condition VA determines to be similar to such conditions.

Before the amendments made by section 120 of the Act, VA was limited to paying no more than 65% of the nursing home rate. Historically, VA has found that a small number of veterans each year encountered this 65% cap. When veterans reached this cap, they were required either to assume liability for the cost of their care for the remainder of the fiscal year or to be admitted for nursing home care. This sometimes resulted in care disruption, greater stress on veterans and their families, or both. In VA's experience, the clinical need for non-institutional care is the sole factor that has resulted in veterans reaching the prior 65% cap, and the vast majority of those who would reach this 65% cap would have all of their non-institutional care needs met for costs less than 100% of the nursing home rate.

VA is informing the public of its approach to implementing four aspects of these new authorities.

- Beginning September 11, 2025, VA will pay up to 100% of the nursing home rate in a fiscal year for all eligible veterans who need non-institutional care to improve continuity of care and patient outcomes. VA may pay for non-institutional care constituting Homemaker/Home Health Aide, Home Respite, Community Adult Day Health Care, Veteran Directed Care, Skilled Home Health Care, and Program of All-Inclusive Care for the Elderly.
- For veterans whose non-institutional care needs exceed 100% of the nursing home rate, VA will approve such additional expenditures on a case-by-case basis informed by a clinical review of the veteran's needs. VA anticipates that the only veterans who may require non-institutional care that would cost more than 100% of the nursing home rate would be veterans with ALS or spinal cord injuries or disorders; however, VA will still consider, and may pay costs for non-institutional care in excess of 100% of the nursing home rate for veterans who do not have ALS or a spinal cord injury or disorder because the statute permits VA to do so if the veteran has ''a condition the Secretary determines to be similar to such conditions.'' See 38 U.S.C. 1720C(d)(2)(B). Veterans whose care needs would exceed 100% of the nursing home rate have a high need for skilled home nursing care and are often dependent on ventilators to breathe, which is why their costs for care may be higher. These veterans can still live safely in their homes, but they do require additional care and services that can result in higher costs. Remaining in their homes, though, can improve their quality of life and overall health outcomes as well, so there is value in keeping these veterans in non-institutional settings. Such options for care also promote veterans' choice in where to live and how to receive their care. VA anticipates fewer than 30 veterans in a fiscal year will require non-institutional care that would result in costs in excess of 100% of the nursing home rate, and VA will review these on a case-by-case basis to determine the clinical need for and appropriateness of additional non-institutional care.

At this time, VA is not exercising its authority to establish through regulation other matters that VA may consider in exceeding 100% of the nursing home rate. Should VA do so in the future, it will do so through rulemaking consistent with the Administrative Procedure Act (5 U.S.C. 553).

- VA is also not specifically incorporating any additional geographic market factors in its analysis because the nursing home care rate already is determined on a regional level and includes consideration of geographic market factors. Consideration of geographic market factors through another basis than the calculation of the nursing home rate or using another metric would be redundant.

This notice provides information on how VA is implementing section 120 of the Act and is not a solicitation for public comment or request for information regarding VA's implementation of section 120 of the Act, as outlined above. Therefore, responses to this notice may not be used to inform VA's implementation of section 120 of the Act, and VA will not address such responses.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on December 18, 2025 and authorized 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.

Nicole R. Cherry,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

[FR Doc. 2026–00380 Filed 1–9–26; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection Activity: Application for High-Technology Veterans Education, Training and Skills (VET TEC 2.0) Program

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before March 13, 2026.

ADDRESSES: Comments must be submitted through *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Kendra McCleave, 202–495–8241, *kendra.mccleave@va.gov*.

VA PRA information: Dorothy Glasgow, 202–461–1084, *VAPRA@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application For Veteran Employment Through Technology Education Courses (VET TEC 2.0) High Technology Program, VA Form 22–10297.

OMB Control Number: 2900–NEW. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: New Collection.

Abstract: On January 2, 2025, the Elizabeth Dole Field and Community Based Services for Veterans and Caregivers Act (Pub. L. 118–210) was signed into law. The legislation can be identified as the DOLE Act. This legislation established a new Veteran Technology program titled ''High-Technology Veterans Education, Training and Skills (VET TEC 2.0) Program''. VET TEC 2.0 allows Veterans to enroll in courses outside the traditional definition of higher education to obtain skillsets highly desired by employers. The DOLE Act authorizes VA to provide educational assistance for these high technology programs of education that begin prior to September 30, 2027.

The eligibility requirements to qualify for the program apply to an individual who is a Veteran under age 62 who has served at least 3 years (36 months) on Active Duty; or a Service member who is within 180 days of discharge who has or will serve 3 years (36 months) by their discharge date; and who has received a discharge under conditions other than dishonorable.

The DOLE Act requires VA to develop a mechanism for Veteran application for VET TEC 2.0, to include selection of a specific training provider and program. It also requires VA to develop enrollment processing mechanisms and the ability to track the number of enrollees in real time due to annual participation limits. Lastly, VA must submit a report to Congress no later than January 2, 2026, and each year thereafter on the operation of the program.

The VA Form 22–10297 allows students to apply for the new High-Technology Veterans Education, Training and Skills (VET TEC 2.0) Program. This new information collection is being used to implement section 212 of Public Law 118–210 to provide Veterans the opportunity to enroll in high technology programs. The VA requires approval of this information collection to allow eligible individuals to apply to enroll with a qualified training provider and to allow VA to track the number of annual participants.

Affected Public: Individuals and households.

Estimated Annual Burden: 667 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 4,000.

Authority: 44 U.S.C. 3501 *et seq.*

Lanea Haynes,

Acting, VA PRA Clearance Officer, (Alt) Office of Information Technology/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2026–00373 Filed 1–9–26; 8:45 am]

BILLING CODE 8320–01–P

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At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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